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THESIS

DEMOCRATIZATION IN BOSNIA: A MORE EFFECTIVE ROLE FOR SFOR

by

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March 2001

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A MORE EFFECTIVE ROLE FOR SFOR**

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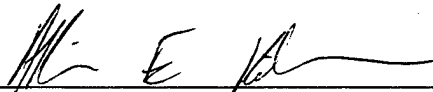
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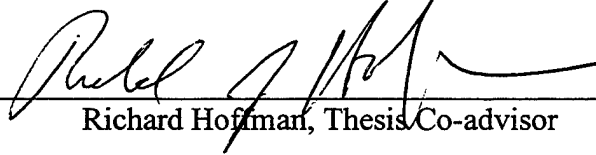
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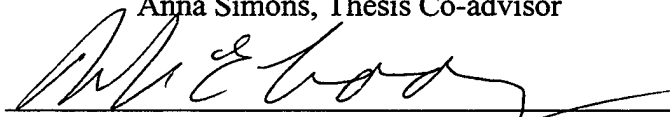
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ABSTRACT

Since the end of the civil war in 1995, the United States and the world community have poured enormous amounts of money and resources into Bosnia and Herzegovina in an attempt to create a sustainable peace for all of Bosnia's citizens based on the principles of democratic governance. But at times, it seems that, although the fighting has stopped, the country is no closer to being a functioning, stable democracy than it was when the multi-national intervention force first arrived more than five years ago. This thesis examines democracy theory and the democratization process to provide an explanation for why the international effort has been unsuccessful so far, and explores alternative ways to address some of those shortcomings. This thesis argues that the Stabilization Force (SFOR) has the ability to be a more effective partner in fostering consolidated democracy in Bosnia. It concludes by identifying military capabilities such as civil affairs, Special Forces and intelligence collection that could directly contribute to successful democratization.

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EXECUTIVE SUMMARY

Since the end of the civil war in 1995, the United States and the world community have poured money and resources into Bosnia and Herzegovina in an attempt to create a sustainable peace for all of Bosnia's citizens based on the principles of democratic governance. But at times, it seems that although the fighting has stopped the country is no closer to being a functioning, stable democracy than it was when the multi-national intervention force first arrived more than five years ago. The purpose of this thesis is to identify some of the reasons the goal of establishing a multi-ethnic and democratic state in Bosnia continues to elude the international community, and to explain how the Stabilization Force (SFOR) can more effectively support that goal.

Clearly, maintaining a secure environment in which civilian implementation can occur is and should remain the primary mission of the military in Bosnia. Responsibility for civilian implementation rightly belongs to civilian institutions, such as the United Nations (UN), the Organization for Security and Cooperation in Europe (OSCE), and other governmental and non-governmental organizations. But the notion that the military is either unable to—or should not—meaningfully contribute to building a positive peace within a democratic framework is mistaken and ultimately self-defeating.

This thesis argues that the military has the ability to be a more effective partner in that effort than it is now, based on an examination of the requirements of the desired end-state and an analysis of how and why the current situation falls short of that ideal. It concludes by identifying military capabilities that could directly contribute to addressing

those needs. Specifically, SFOR can make substantial and unique contributions to strengthening respect for the rule of law; enhancing the commitment of both elites and masses to democracy; and increasing the legitimacy of the government of Bosnia in the eyes of its citizens through military reform.

Creating a democratic, peaceful state out of the two entities and three peoples of Bosnia and Herzegovina is an ambitious, costly and noble project. Failing in that project would have negative consequences for America's position as world leader and also for European security. But it could also have catastrophic consequences for the people of Bosnia. For all these reasons, the challenge of consolidating democracy in Bosnia deserves and requires the fullest and most effective use of all available resources, including the active participation by the military in the work of democratization.

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I. INTRODUCTION

Since the end of the civil war in 1995, the United States and the world community have poured money and resources into Bosnia and Herzegovina in an attempt to create a sustainable peace for all of Bosnia's citizens based on the principles of democratic governance. But at times, it seems that although the fighting has stopped the country is no closer to being a functioning, stable democracy than it was when the multi-national intervention force first arrived more than five years ago. The purpose of this thesis is to examine why the goal of establishing a multi-ethnic and democratic state in Bosnia continues to elude the international community, and to explain how the Stabilization Force (SFOR) can more effectively support that goal.

Clearly, maintaining a secure environment in which civilian implementation can occur is and should remain SFOR's primary mission in Bosnia. Responsibility for civilian implementation rightly belongs to civilian institutions, such as the United Nations (UN), the Organization for Security and Cooperation in Europe (OSCE), and other governmental and non-governmental organizations. But the notion that the military is either unable to—or should not—meaningfully contribute to building a positive peace within a democratic framework is mistaken and ultimately self-defeating.

In point of fact, there are a variety of ways in which the military can support democratization efforts, specifically developing respect for the rule of law; enhancing the commitment of both elites and masses to democracy; and strengthening the legitimacy of

the government through military reform. This may require a change in attitude toward nation-building on the part of the US political and military establishments, but it would also hasten the day when SFOR can declare its mission accomplished and go home.

A. BACKGROUND

In the days and weeks preceding the November 12, 2000 general elections in Bosnia, the international community hoped that voters would reject the nationalist parties that had dominated Bosniac, Croat and Serb politics throughout the civil war of 1992-95 and even after the signing of the Dayton Peace Accords. To break this hold, the international community invested considerable effort, as well as billions of dollars, over five years to reconstruct the country and encourage democratization and reconciliation. Quite understandably, the donors wanted to see a return on their investment.

Furthermore, there were signs that nationalism was on the wane in the region as a whole: Alija Izetbegovic's retirement as the Bosniac member of the rotating presidency in Bosnia and Hercegovina and the poor showing of his Muslim Party for Democratic Action (SDA) in the April local elections were such indicators. Another was the death from cancer of Croatian President Franjo Tudjman and the subsequent resounding defeat of his HDZ at the polls. Most surprising, and perhaps also most welcome, was Slobodan Milosevic's loss to Vojislav Kostunica in the October presidential race in the Former Republic of Yugoslavia.

Unfortunately, as election results filtered in, it became apparent that no such change would occur in Bosnia. The nationalist Serbian Democratic Party (SDS), founded by indicted war criminal Radovan Karadzic, won a decisive victory in the race for the

Bosnian Serb Republic presidency. The SDS also emerged as the strongest party in the elections for the Bosnian Serb assembly as well as for the Republic's representatives to the national legislature. In the Muslim-Croat Federation, the picture was mixed, with the nationalist SDA and the multiethnic, reform-oriented Social Democratic Party each gaining roughly 27 percent of the votes, but the Croatian Democratic Union dominated among ethnic Croats and finished with 19 percent of the Federation's total votes. Once again, Bosnians had turned to nationalist leaders at the polls.

Admittedly, as American Ambassador to Bosnia Thomas Miller pointed out to the *New York Times*, as recently as 1996 all three nationalist parties had received more than 70 percent of the vote in their areas. Now, although they remained dominant, neither the Bosnian Croat HDZ, the Bosnian Serb SDS, nor the Muslim SDA had a majority in any assembly. Nevertheless, "the results are mixed and promise a future of power sharing and haggling that spell further ineffectual government and continued obstruction from nationalists of efforts at unifying the country."¹

Consequently, this failure unequivocally to embrace democracy makes it unlikely that the NATO-led Stabilization Force will be able to pull out of Bosnia any time soon. Carl Bildt, currently Special Envoy of the United Nations Secretary General to the Balkans and formerly the High Representative in Bosnia and Herzegovina, predicted in the January/February 2001 issue of *Foreign Affairs* that, "if troops were withdrawn today . . . a new war would break out tomorrow. Self-sustaining regional stability remains a

¹ Carlotta Gall, "Bosnian Election Returns Point to Little Change, Analysts Say," *New York Times*, November 20, 2000. A10.

good distance away.”² But if the international presence in Bosnia—including the troop deployments, civilian organizations and substantial financial commitments—is not to be open-ended, all participants must become more effective in their mission of creating a self-sustaining, multi-ethnic democracy in Bosnia Herzegovina.

Based on an examination of the requirements of the desired end-state and an analysis of why the current situation falls short, this thesis argues that SFOR has the ability to be a more effective partner in the democratization effort. Finally, it concludes by identifying military capabilities that could be applied to meeting those requirements. Creating a democratic, peaceful state out of the two entities and three peoples of Bosnia and Herzegovina is an ambitious, costly and worthy project. Failing in that project will have negative consequences for America’s position as world leader and for the future of European security. But it could also have catastrophic consequences for the people of Bosnia. For all these reasons, the challenge of consolidating democracy in Bosnia deserves and requires the fullest and most effective use of all available resources, including the active participation by SFOR in the work of democratization.

B. METHODOLOGY

This thesis is based on an analytical survey of primary and secondary sources relating to: democracy theory and the democratization process as practiced by the United States; the specific challenges to democratization presented by post-conflict societies; the international community’s post-war involvement in Bosnia; and past American military

² Carl Bildt, “The Balkans’ Second Chance,” *Foreign Affairs*, vol. 80 no. 1, January/February 2001. 149.

experiences with democratization and nation-building. Sources include books by policy-makers such as Richard Holbrooke and Ivo Daalder, testimony before government committees and analyses of the military's performance in Bosnia. Interviews were also conducted with individuals involved in both civilian and military aspects of implementation or who have had experience doing similar work in other countries.

C. THESIS ORGANIZATION

This thesis analyzes the requirements of democratic government and identifies the unique contributions the military can make in pursuit of the national strategic objective of building a self-sustaining democracy in Bosnia Herzegovina. Chapter II examines the mission objective of SFOR and the international community by describing the elements of consolidated democracy, paying close attention to those areas the military is best able to influence. It also briefly outlines the process of democratization, looking first at the phases of conflict suppression operations as defined by General George A. Joulwan and Christopher C. Shoemaker and then at what Thomas Carothers calls the core strategy of American democracy promoters.

Chapter III is an overview and a critique of the current civilian and military implementation effort in Bosnia, based in part on the shortcomings of the American approach to democratization as described by Thomas Carothers. Chapter IV describes how SFOR could more effectively support democratization by drawing on past American military experience both in the Balkans and around the world.

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II. DEFINING THE END-STATE

The national policy objective of the United States in Bosnia is the “construction of a multi-ethnic, democratic, and prosperous state.”³ The purpose of this chapter is to describe the desired end-state and the path being taken to it. It begins by explaining what a democracy is and what conditions allow a democracy to endure. Then it looks at the phases of a conflict suppression operation, to understand where democratization fits into the overall mission of ending a conflict and providing for a sustainable peace. Lastly, it examines the democratization process itself. Understanding the theories behind the mission in Bosnia is necessary to providing useful suggestions for improvement.

A. WHAT IS DEMOCRACY?

Writers on the subject of democracy and democratization frequently do not agree on what, precisely, the term “democracy” means. Samuel P. Huntington, for example, makes “fair, honest and periodic elections in which candidates freely compete for votes and in which virtually all the adult population is eligible to vote” the central tenet of democracy in his study of democratization in the late twentieth century.⁴ Although he shies away from identifying any sociopolitical elements of democracy—what he calls “sweeping and idealistic connotations”—to go along with elections, Huntington does

³ Ivo H. Daalder, *Getting to Dayton: The Making of America's Bosnia Policy* (Washington, DC: Brookings Institution Press, 2000), 144-5.

⁴ Samuel P. Huntington, *The Third Wave: Democratization in the Late Twentieth Century* (London: University of Oklahoma Press, 1991), 7.

concede that his definition implies the existence of the political and civic freedoms needed to make an election truly free and contested.⁵

But because the goal of United States policy in Bosnia is the establishment of a self-sustaining democracy, this thesis will use a broader definition of democracy that combines the procedural elements of Huntington's definition with the social aspects of what Larry Diamond, Juan J. Linz and Alfred Stepan all call 'consolidated democracy.' Democratic consolidation is the "deep, unquestioned, routinized commitment to democracy and its procedures at the elite and mass levels"—or, more briefly, it is when democracy becomes "the only game in town."⁶

In their discussion of the problems of democratic transition and consolidation, Linz and Stepan identify five characteristics of society that must be present in what they assume is an already functioning state before democracy can be consolidated.

First, the conditions must exist for the development of a free and lively *civil society*. Second, there must be a relatively autonomous *political society*. Third, throughout the territory of the state all major political actors, especially the government and the state apparatus, must be effectively subjected to a *rule of law* that protects individual freedoms and associational life. Fourth, there must be a *state bureaucracy* that is usable by the new democratic government. Fifth, there must be an institutionalized *economic society*.⁷

⁵ Ibid.

⁶ Larry Diamond, *Developing Democracy: Toward Consolidation* (Baltimore: The Johns Hopkins University Press, 1999), 65.

Civil society is predicated upon the idea of a participatory citizenry. It includes the voluntary organizations, such as labor unions, women's and students' groups, business and civic organizations, and other community associations formed for such purposes as lobbying, acting as watchdogs, or educating the public about political issues or rights. It reinforces democracy by standing between the government and the individual, and by involving citizens acting collectively to promote public interests and to hold government accountable. Simultaneously, it helps to limit the power of government and promote the rule of law.⁸ An autonomous political society is composed of political parties and the institutions of government, in which separation of powers, horizontal and vertical accountability and civilian control over the military must be entrenched.⁹

Rule of law is commonly viewed as one of the most fundamental elements of a democracy.¹⁰ A society-wide commitment to the rule of law requires adherence to a constitution, an independent judiciary, the perception that the law applies equally to all actors and respect for human rights, as well as the subordination of government power to legal authority.¹¹ SFOR, in its *SFOR Lessons Learned in Creating a Secure Environment with Respect for the Rule of Law*, defines it as a "process by which conflicting interests

⁷ Larry Diamond, ed., *Consolidating the Third Wave Democracies: Themes and Perspectives* (Baltimore: The Johns Hopkins University Press, 1997), 17.

⁸ Diamond, *Developing Democracy*, 221.

⁹ Diamond, *Themes and Perspectives*, p. 17-8 and Diamond, *Developing Democracy*, 34-5.

¹⁰ Thomas Carothers, *Aiding Democracy Abroad: The Learning Curve* (Washington, DC: Carnegie Endowment for International Peace, 1999), 164.

¹¹ Ibid. and Diamond, *Themes and Perspectives*, 18-20 and Diamond, *Developing Democracy*, 42.

are aired, mediated, regulated, and resolved in a non-violent fashion through governmental institutions ... that are accountable to the public.”¹²

In societies transitioning from an authoritarian regime to a democratic one, developing a respect for the rule of law may also require a drastic change in the relationship of the police and the military to the citizenry. The military, internal security forces and police may have had a predatory attitude toward civilians, as in Haiti, or they may have regarded their primary mission to be one of supporting regime stability, as under the Communist government of the former Yugoslavia. In either case, their mission must become one of protecting and serving the civilian population.¹³ A foreign military intervention force can play a significant role in fostering the necessary democratic and professional reforms within the host nation military.

But respect for the rule of law also goes beyond institutions and legislation to govern relationships between individuals and between individuals and institutions in accordance with norms and values that must be internalized in a society.¹⁴ As will be seen in Chapter IV, this is another area in which the military, through its ability to affect public security and using its intelligence collection capabilities to target organized crime and corruption, is well able to support the democratization process.

¹² *SFOR Lessons Learned in Creating a Secure Environment with Respect for the Rule of Law*. [Final draft sent to General Meigs 14 March 2000], x.

¹³ Robert Oakley, Michael J. Dziedzic and Elliot M. Goldberg, eds., *Policing the New World Disorder: Peace Operations and Public Security* (Washington, DC: National Defense University Press, 1998), 216 and 263.

¹⁴ Carothers, 165.

A usable bureaucracy simply but importantly refers to the means by which the state collects taxes, provides services, and monopolizes violence on its territory.¹⁵ A bureaucracy is ultimately dependent on the successful development of an economic society, which Linz and Stepan define as the laws and regulations that mediate between the government and the market. In a democracy, this most often means developing a market economy in order to provide citizens with the economic independence that will allow them to assert their political independence from the government.¹⁶

The economy is even more important in a post-conflict environment, though, for two reasons. The first is the role the economy can play in exacerbating or mitigating ethnic conflict. Economic prosperity typically breeds contentment and stability, and is usually also accompanied by the high levels of urbanization, literacy and education that favor democratization. Increased wealth also means more resources can be distributed to ease tensions.¹⁷ Economic difficulties, however, are frequently cited as a primary cause of ethnic conflict because they can lead to increased competition for resources.¹⁸

Second, a growing economy can help bridge differences between groups. This is because a prosperous, integrated economy can serve as an arena in which former

¹⁵ Diamond, *Themes and Perspectives*, 20.

¹⁶ *Ibid.*, 21.

¹⁷ Georg Sorenson, *Democracy and Democratization Processes and Prospects in a Changing World*, (Boulder: Westview Press, 1998), 25-6.

¹⁸ Jurg Helbling, Ted Robert Gurr, and Stuart J. Kaufman all refer to the role of economics as a contributing factor in their models of ethnic conflict.

opponents can come together to find common ground.¹⁹ According to the pluralist view of conflict management, interaction among ethnic groups through economic, political and other institutions can also transform those relations because parties will recognize the benefits to be gained from cooperation.²⁰

Linz and Stepan do not include a supportive political culture in their list of characteristics that define a consolidated democracy, but Diamond believes it is important enough to merit an entire chapter of its own in his book *Developing Democracy: Toward Consolidation*. Tracing the theory of political culture back to Aristotle, Diamond says that the characteristics of moderation, accommodation, cooperation and bargaining—rooted in trust, tolerance, participation and mutual respect—are key elements in democratic political culture because of the role they play in enabling a society to balance conflict with the need for consensus.²¹

But the trauma and suffering that have been inflicted upon a society which has only recently emerged from conflict pose significant challenges to the development of a political culture supportive of democracy, particularly with respect to trust. “Interpersonal trust,” as Diamond says, “may seem tangential to the stability of democracy,” but without it, the habit of resolving conflicts through institutional mechanisms rather than force is less likely to emerge, as are the willingness to

¹⁹ Sorenson, 21.

²⁰ Barnett R. Rubin, ed., *Cases and Strategies for Preventive Action* (New York: The Century Foundation Press, 1998), 30.

²¹ Diamond, *Developing Democracy*, 20 and 165.

compromise and to respect others' views which Diamond believes are necessary elements of democratic political culture.²² A lack of trust in one's political opponents, who may have also been on the opposing side during a war, can make the transition from bullets to ballots extremely difficult.

Lastly, a stable democracy requires a faith in the legitimacy of democracy. This faith must be held at both the elite and mass levels of society and in two dimensions: as an abstract principle as well as in the particular. The people must not only believe that democracy the best form of government possible, but also that democracy is the most suitable form of government for their country at the present time.

A regime's legitimacy as a democratic government is derived in large part from its ability to put democratic principles into practice.

Regime performance is assessed in terms not only of economic growth and social reform but also several crucial political dimensions: the capacity to maintain order, to govern transparently, to maintain a rule of law [particularly with regard to human rights], and to otherwise respect and preserve the democratic rules of the game.²³

A second source of legitimacy, though, seems to be personal experience with democracy, which makes a participatory ethic and a vibrant civil society doubly important.²⁴

²² Ibid., 207.

²³ Ibid., 170-1.

²⁴ Ibid., 170.

B. DEMOCRATIZATION PROCESS

The preceding section has outlined the necessary components of a stable democracy and some of the specific challenges faced by post-conflict societies making a transition to democracy. This section will examine the process by which the United States government and aid providers seek first to end a conflict and then to encourage the adoption of democratic institutions and attitudes in a country such as Bosnia and Herzegovina.

1. Phases of a Conflict Suppression Operation

A commitment to making a democratic transition is frequently one element of a negotiated settlement to end a conflict. For this transition to be successful, though, it must be part of a larger process that includes bringing an end to the violence, restoring order and rebuilding the institutions, infrastructure and trust that are essential elements of a stable political society. When the international community assists in this transformation, it is taking part in a conflict suppression operation, because the operation encompasses both the immediate task of halting the fighting as well as the long-term goal of establishing political structures that prevent future fighting and instead promote non-violent conflict resolution.

General George A. Joulwan and Christopher C. Shoemaker provide a detailed framework for such an operation in their report to the Carnegie Commission on Preventing Deadly Conflict. They divide the operation into three phases, each with a distinct purpose and a set of corresponding tasks. This is a useful way to conceive of the

process because it describes how the focus of the intervention force and the emphasis on its civilian and military components change over time.

Obviously the first step is to end the fighting, and this, dubbed the transformation phase, is primarily the responsibility of the intervening military. Military tasks include separating the warring parties, maintaining peace and security, enforcing arms embargoes, disarmament and demobilization. The military and some non-governmental organizations (NGOs) specializing in emergency relief also assist in restoring basic services and providing humanitarian assistance. "Therefore, the primary thrust in the beginning of this phase is for military or internal security forces to create a secure environment and ensure freedom of movement while longer-term civilian functions are set in motion."²⁵

During the second, or stabilization, phase, the emphasis shifts from military to civilian initiatives. At this stage, the cease-fire is in place and security has been restored, so the international community turns its attention to laying the foundations for an enduring peace.²⁶ This can include restructuring and retraining the indigenous military and police, restarting the economy, rebuilding or reforming political institutions and re-establishing education and health services.²⁷

²⁵ George A. Joulwan and Christopher C. Shoemaker, *Civilian-Military Cooperation in the Prevention of Deadly Conflict, A Report to the Carnegie Commission on Preventing Deadly Conflict* (New York: Carnegie Corporation of New York, December, 1998), 12-3.

²⁶ Ibid., 3.

²⁷ Ibid., 14.

A military presence is still necessary during this phase, but Joulwan and Shoemaker are adamant in their assertion that other than maintaining internal security, the military has only a limited role to play in stabilization:

[T]he daunting challenges of building the kinds of institutions and processes that ... are at the heart of conflict prevention are far beyond the capabilities of any military. The military can bring about an absence of war; the military cannot bring about an enduring peace.²⁸

The underlying argument of this thesis takes issue with that last statement. The military may be the only organization that can bring about an absence of war, and as the focus of international intervention shifts from transformation to stabilization, the burden of responsibility should rightly shift from the military to the civilian component as well. However, the military can make tremendously positive contributions toward the development of democratic practices and enduring peace, as will be demonstrated in Chapter IV. Meanwhile, when the military is limited—or limits itself—to merely providing security, it necessarily delays the day when the international community can turn to the third and final phase of conflict suppression: normalization. It is during this last phase that responsibility for government is turned over to local institutions and the international community withdraws.²⁹

²⁸ Ibid., 36.

²⁹ Ibid., 14-5.

2. The Democratization Template

Joulwan and Shoemaker limit themselves to an extremely broad overview of what the elements of the democratization process are. In fact, all they really say about process is that it involves building political institutions. In contrast, American promoters of democratization abroad have developed a framework that describes how to accomplish democratization.

Thomas Carothers, Vice President for Global Policy at the Carnegie Endowment for International Peace, explains in *Aiding Democracy Abroad: The Learning Curve*, what this framework, or core strategy is.

The pattern, or template, as Carothers calls it, is derived from three sources: the American model of democracy, a belief about the natural sequencing of democratization and the concept of institutional modeling. The first and second components have been modified somewhat in recent years to accommodate different approaches to democracy and different trajectories to transition, but continue to offer a democratization template that leads US democracy promoters to concentrate initially on elections and then to shift their attention to a mix of top-down institutional reform and bottom-up civil society strengthening approaches.³⁰

³⁰ Carothers, 86-90, 95, 109 and 120. This preference for early elections can be a potential pitfall for countries emerging from ethnic conflict. Elections are frequently a primary focus of American democracy aid because free and fair elections are seen as a central component of democracy; because they are highly visible events with an obvious endpoint that appeal to organizations desirous of a short time commitment with a clear exit strategy; and because the transitioning countries themselves often embrace them as tangible evidence of their own break with the past. (Carothers, p. 124) They may also be required as part of a negotiated settlement to end a war.

This rush to hold elections, though, raises the question of when exactly it is appropriate for a country in transition to hold elections. The issue becomes particularly important in a post-conflict

The third component in the American democracy promoter's model, the institutional model, is perhaps the most optimistic and remains the most conceptually flawed. "In this view, if a society can reproduce the institutional components of established Western democracies, it will achieve democracy. The process of transforming institutions is seen as the process of democratization itself."³¹

This, says Carothers, is because American democracy promoters follow a commonsense approach of comparing sociopolitical institutions in their own country with those in the transitioning country, and propose projects to bring the latter in line with the former. They also know more about living in a democratic society than they do about living in a transitioning one, which reinforces their tendency to focus on endpoints rather than process and on institutions rather than culture.³² The result is an approach that does not address the cultural and attitudinal qualities that make democracy possible and thus tends to ignore the strong interests that some elites may have in maintaining the status quo.

Carothers' summary of American efforts at judicial reform highlights this oversight:

environment. Susan L. Woodward argues that in Bosnia, rather than representing a milestone on the way to self-sustaining democratic governance, "this pivotal role of elections has had the opposite effect: making the international presence more necessary and without an end in sight" (Steven M. Ruskin, ed., *Three Dimensions of Peacebuilding in Bosnia: Findings from USIP-Sponsored Research and Field Projects* Peaceworks 32 (Washington, DC: United States Institute of Peace, December 1999), 7.

Other than acknowledging the existence of this dilemma, however, this thesis will not address the problem.

³¹ Ibid., 90.

³² Ibid., 92.

U.S. aid providers responding to the lack of formal justice in a country assess the judicial system, for example, and conclude that it falls short because cases move too slowly, judges are poorly trained and lack up-to-date materials, the infrastructure is woefully inadequate, and so on. The aid providers then prescribe remedies on this basis: reform of court administration, training and legal materials for judges, equipment for courtrooms, and the like. What they tend not to ask is *why* the judiciary is in a lamentable state, whose interests its weakness serves, and whose interests would be threatened or bolstered by reforms.³³

Because of the frequent failure of the top-down, institutional approach and given the role civil society played in the transitions of Poland and Czechoslovakia, aid providers have revised their strategy in recent years to include a bottom-up, grass-roots campaign as well. Some theorists, however, such as Seymour Martin Lipset and Robert Putnam, would argue that the civil society strengthening approach is what should have been used to begin with. They believe that the emphasis on institutions is misplaced, and that it is primarily cultural factors that determine outcomes.

They propose that the establishment of stable democratic systems depends first on the existence of a strong civil society and civic culture. For example, Daniel N. Nelson, in his essay "Civil Society Endangered," suggests that, "the linchpin of democratic change is unquestionably an enlarged participation and a heightened role for the populace, developing citizenship where previously the population was confined to the role of subjects."³⁴

³³ Ibid., 101.

³⁴ Richard Sakwa, ed., *The Experience of Democratization in Eastern Europe: Selected Papers from the Fifth World Congress of Central and East European Studies, Warsaw, 1995* (New York: St. Martin's Press, Inc., 1999), 132.

In the case of judicial reform, for example, the new emphasis on a civil society, bottom-up approach means more aid money is reaching organizations that help people to assert their rights. These include law-oriented NGOs that do legal advocacy for specific groups of citizens such as farmers or indigenous peoples, programs to stimulate public interest in law reforms and legal aid clinics that provide poor or disadvantaged people with access to the legal system.³⁵

C. CONCLUSION

This chapter has described the elements of a consolidated democracy and also the theoretical sequence of events when the United States decides to intervene in a conflict and establish a democratic government as part of an integrated, civil-military response to the need for enduring peace. As Joulwan and Shoemaker explain, the first step is conflict transformation, and this is primarily the responsibility of the military.

During the second step, the stabilization phase, civilian organizations work to encourage the development of democratic institutions and practices in accordance with the core strategy outlined by Carothers. This core strategy, through a mix of electoral and top-down, institutional reforms, attempts to enshrine the principles of democratic government in the country in question. The growing recognition of the role civic culture plays in a transition has led to an increase in bottom-up, civil society reform as well.

Democracy theorists, including Diamond, Huntington Linz and Stepan provided an understanding of what those elements are: frequent and fair elections, a vibrant civil

³⁵ Carothers, 168-9.

society, an autonomous political society, respect for the rule of law, a usable bureaucracy, a market-oriented economic society, a supportive civic culture and, lastly, a belief in the legitimacy of democracy.

The next chapter will describe how the international community is putting this process into practice in Bosnia, following the intervention to end the 1992-95 civil war. It will also highlight how the flaws inherent in the institutional model of democratization have been incorporated into the civilian implementation effort, to the detriment of the mission.

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III. BUILDING PEACE IN BOSNIA

This chapter will describe the international military and civilian implementation efforts in Bosnia, using Joulwan and Shoemaker's model of a conflict suppression mission as a framework. In doing so, the chapter will show that the stabilization phase, as it is being carried out now, suffers from some of the conceptual problems exposed by Carothers and why these problems need to be addressed. Chapter IV will then outline some ways SFOR could respond to these challenges.

A. BACKGROUND

The civil war in Bosnia lasted from March 1992 to October 1995. It pitted the Bosnian Muslims, Croats and Serbs against each other, the latter two sides supported in varying degrees by their ethnic brethren in Croatia and Serbia proper.³⁶ After the failure of a series of international initiatives to end the fighting, the combined pressure of air strikes by the North Atlantic Treaty Organization (NATO) and the Croatian ground offensive set the stage for all parties to participate in a peace conference in Dayton beginning November 1. Three weeks later, after intense negotiations led by White House Special Envoy to Bosnia Richard Holbrooke, the parties initialed the General Framework Agreement for Peace in Bosnia and, representatives of the Republic of Bosnia and

³⁶ The Bosniacs also received support from other countries, particularly Islamic nations like Iran. The support was mostly in the form of weapons, but small numbers of mujahideen did join the fight as well. Nevertheless, it is the opinion of the author that this support was qualitatively and quantitatively significantly different from that received by the Bosnian Croats and Serbs from Croatia and Serbia.

Herzegovina, the Republic of Croatia, and the Federal Republic of Yugoslavia signed the document in Paris on December 14, 1995.

By this time, however, the conflict had devastated Bosnia Herzegovina. The war had led to atrocities on a scale not seen in Europe since World War II, mostly committed by the Bosnian Serbs against the Bosnian Muslims.³⁷ It left over 250,000 civilians dead and 200,000 wounded, once again mostly Bosnian Muslims, and created more than one million internally displaced persons (IDPs), 1.1 million refugees who left Bosnia for other regions of the former Yugoslavia, and an additional 700,000 who left the Balkans entirely.³⁸

The Bosnian economy also suffered catastrophic loss: Per capita Gross Domestic Product (GDP) had fallen from \$2,710 in 1991 to \$250 in 1994; the country's infrastructure and industry was in ruins; and estimates for reconstruction ranged from the

³⁷ All sides were guilty of some atrocities, as war crimes indictments against members of all three factions indicate. But the crimes committed on behalf of the Bosnian Serbs occurred on an entirely different scale. See David Rieff's *Slaughterhouse: Bosnia and the Failure of the West* and Mark Danner's articles in *The New York Review of Books*, especially "Bosnia: The Turning Point" (February 5, 1998) and "Operation Storm" (October 22, 1998) for accounts of Bosnian Croat war crimes. Chuck Sudetic's *Blood and Vengeance: One Family's Story of the War in Bosnia* offers an excellent and notably even-handed account of the fall of Srebrenica.

³⁸ Karin von Hippel, *Democracy by Force: US Military Intervention in the Post-Cold War World* (Cambridge: Cambridge University Press, 2000), 140 and 165.

The figures for casualties are disputed. Von Hippel uses 250,000, which is the number General Charles Boyd, USAF (ret), who served as the Deputy Commander in Chief of the US European Command from November, 1992 to July 1995, says is the number the Bosniac government was claiming until April 1995, when the government revised its estimate to 145,000. Senate Hearing 104-855 offered the number 200,000 but General Boyd believes the number to be closer to the 70,000-100,000 range. (Charles Boyd, "Making Peace with the Guilty," *Foreign Affairs* vol. 74 no. 5. September/October 1995, p. 27)

\$5 billion figure given by the International Bank for Reconstruction and Development (IDRB or World Bank) to the \$43 billion sought by the Bosnian government.³⁹

In confronting the enormity of the challenge to bring stability to the region, the United States government concluded that building a “lasting peace in Bosnia ... required not just an end to the war, but the construction of a multi-ethnic, democratic, and prosperous state.”⁴⁰ The General Framework Agreement for Peace (GFAP or Dayton Peace Accords) provided the blueprint for how the three factions, with the help of the international community, intended to achieve this objective. With their signatures, the former warring parties recognized “the need for a comprehensive settlement to bring an end to the tragic conflict in the region” and requested assistance in implementing the agreement from the United Nations, the multi-national military Implementation Force (IFOR), and other governmental and non-governmental organizations.⁴¹

Those aspects of the Dayton Peace Accords that relate specifically to democratization include the following commitments by all three parties: to resolve disputes among themselves through peaceful means; to respect human rights and the rights of refugees and displaced persons; to cooperate in the prosecution of war criminals; and to adopt a constitution establishing the Croat-Muslim Federation and the separate

³⁹ Ibid., 160.

⁴⁰ Daalder, 144-5.

⁴¹ “General Framework Agreement for Peace in Bosnia and Herzegovina.” Available [Online]: <<http://www.state.gov/www/regions/eur/bosnia/dayframe.html>. [26 October 2000], 12.

Bosnian Serb Republic in a loose confederation.⁴² Members of the three-person Presidency as well as the national and regional legislatures would be elected democratically, with the first election to be held six to nine months after the signing of the document. The parties also requested the assistance of the United Nations in coordinating civilian implementation of the Agreement and in constructing a professional, democratic police force.⁴³

Following the signing of the GFAP, US policy objectives in Bosnia were:

[to] (1) provide a secure environment for the people of Bosnia; (2) create a unified, democratic Bosnia that respects the rule of law and internationally recognized human rights, including cooperating with the war crimes tribunal and bringing those charged with war crimes to trial; (3) ensure the rights of refugees and displaced persons to return to their prewar homes; and (4) rebuild the economy.⁴⁴

B. STRUCTURING INTERVENTION

As the international community prepared for intervention, there were two major debates that had to be resolved, both of which have had major implications for the ability

⁴² Under pressure from the United States to stop the 1993-4 war between Bosniacs and Bosnian Croats, the two sides had agreed to create the Croat-Muslim Federation in early 1994. The alliance was always fragile, though, and on March 3, 2001, under the leadership of Ante Jelavic, the Croat member of the Presidency of Bosnia and Herzegovina, the Croat National Assembly in Mostar announced its intention to begin self-rule in Bosnia. Mr. Jelavic and three other Croat officials were removed from their offices by the High Representative, but insist that their plans for autonomy will be implemented on March 12.

⁴³ "Summary of the Dayton Peace Agreement in Bosnia-Herzegovina." Available [Online]: <<http://www.state.gov/www/regions/eur/bosnia/bossumm.html>>. [26 October 2000], 1-5.

⁴⁴ United States General Accounting Office, Testimony Before the Subcommittee on European Affairs, Committee on Foreign Relations, U.S. Senate. "Bosnia Peace Operation: Progress Toward the Dayton Agreement's Ultimate Goals—An Update." Statement of Harold J. Johnson, Associate Director,

of the intervening organizations to successfully carry out their missions. The first was the question of who the civilian authority for implementation would be and what relationship would exist between that authority and other institutions, including the NATO troops charged with enforcing the military provisions of the agreement. The second controversy was over how extensive the role of the military would be.

From the outset, the United States was determined that the United Nations would not play a role in implementing the GFAP. There was considerable antipathy in the US Congress toward the UN and the relationship between the Clinton Administration and Secretary General Boutros Boutros-Ghali was deteriorating. Furthermore, the United Nations had been discredited because of the debacle that was the United Nations Protection Force (UNPROFOR) and also because of the role the UN and Yasushi Akashi had played in preventing the use of air strikes against the Bosnian Serbs. Consequently, the United States and its allies decided to designate their own civilian authority.⁴⁵

The arrangement they decided on was to have a Peace Implementation Council (PIC) made up of representatives from key countries and international organizations oversee the effort and to appoint a senior civilian official known as the High Representative (HiRep) to do the day-to-day work.⁴⁶ Unfortunately, as it turned out, this position carried with it little authority: The HiRep “was appointed to coordinate

International Relations and Trade Issues, National Security and International Affairs Division. (Washington, DC: General Accounting Office, 1997), 2-3.

⁴⁵ Daalder, 154-5.

⁴⁶ Ibid., 156.

rather than direct the divergent and sometimes competing efforts of multiple international agencies and non-governmental organizations.”⁴⁷

The reason for this was simple: When Robert Gallucci was writing the original draft of the civilian implementation annex to the Dayton Accords, he provided for a strong mandate for the HiRep, assuming that this position would be filled by an American. However, during the negotiations, America’s European allies made it clear to Washington that if they were to be expected to provide most of the money for economic reconstruction, they also wanted the first HiRep to be a European. At that point, “Gallucci and the other American negotiators worked hard to *limit* the authority and responsibility of the High Representative.”⁴⁸

In particular, the HiRep was to be given no authority over military implementation because the US military absolutely refused to countenance any sort of institutionalized relationship between the implementation force and the HiRep. Holbrooke quotes Pauline Neville-Jones, Britain’s representative to the Contact Group, on the subject:

This situation led US negotiators at Dayton to resist including in the implementation structure any sort of body which would provide a forum for the civilian administrator and military commander to discuss and find solutions to problems and issues which spanned their separate responsibilities.... Preventing interference should not be confused with promoting cooperation.⁴⁹

⁴⁷ Ibid., 153.

⁴⁸ Ibid., 157.

⁴⁹ Richard Holbrooke, *To End a War* (New York: The Modern Library, 1999), 276.

Nor did the HiRep have any authority to enforce civilian implementation of the GFAP, a responsibility which, according to the agreement, had been left to the leaders of the former warring factions (FWFs). However, as Ivo Daalder—who, as the Director for European Affairs on the National Security Council from 1995-96, was responsible for coordinating US policy for Bosnia—points out, all three factions had been more or less coerced into signing the Accords—the Croats by Tudjman, the Serbs by Milosevic, and the Bosniacs by the United States. Therefore, rather than fulfilling the agreement because doing so was in their self-interest, all three parties often chose to continue their conflict by means other than war: by obstructing efforts at implementation.⁵⁰

This “enforcement gap,” as Daalder calls it, has been addressed to a degree. As of the December, 1997 Peace Implementation Conference in Bonn, the HiRep may “remove from office public officials who violate legal commitments and violate the Dayton Peace Agreement, and...impose laws as he sees fit if Bosnia and Herzegovina’s legislative bodies fail to do so.”⁵¹

Nevertheless, the failure to formally integrate the civilian and military implementation efforts or to provide the HiRep with a credible means of enforcing implementation has created a situation in which civilian-led stabilization efforts are proceeding slowly at best. This means that the military may be required to take on more

⁵⁰ Daalder, 160-1.

⁵¹ “Office of the High Representative: Information.” Available [Online]: <<http://www.ohr.int/info/info.htm>. [20 December 2000], 4.

responsibility for non-military tasks than it would normally want to or than would necessarily be required of it in a different situation.

However, due to the outcome of yet another policy debate in Washington, this time between the Pentagon and Holbrooke, the military was only given the responsibility for accomplishing the military tasks in Dayton. Like the question over the role of the civilian authority, this was another decision that had considerable implications for the future success of the implementation effort.

Holbrooke explains:

There was no disagreement over the first two tasks of IFOR personnel: first, to use whatever force or other means was necessary to protect themselves; and, second, to separate the warring parties and enforce the cease-fire.

But aside from separating the forces and protecting themselves, what else should the peacekeepers do? The disagreement on this critical issue between the "maximalists," like myself, and the "minimalists," mainly at the Pentagon, was profound.⁵²

Drawing on their experiences in Vietnam and Somalia, Holbrooke believes that the military services had developed a preference for limited, clearly defined missions that they were free to carry out without any civilian interference. In addition, Holbrooke says that the Joint Chiefs of Staff (JCS) and NATO, anticipating a difficult security

⁵² Holbrooke, 216.

environment, believed that the first two tasks, force protection and implementation of the military provisions of the agreement, would require all their resources.⁵³

Holbrooke, however, argued that the military should take on additional tasks such as keeping roads open, assisting in elections and arresting war criminals. First, he thought that without substantive backing from IFOR, it would not be possible to carry out the civilian aspects of implementation; and second, he pointed out that the longer implementation took, the longer the military would have to stay in country anyway.⁵⁴

Holbrooke complains that the Pentagon won most of the disagreements about how IFOR should be used, but he did eventually gain one compromise: "If IFOR completed its required missions, it would have the *authority but not the obligation* to undertake additional tasks."⁵⁵ That decision was to be made by the commander on the ground when the time came.

In the end, IFOR was given responsibility for ensuring force protection and freedom of movement (FOM); supervising the marking of boundaries and the Zone of Separation (ZOS) between the parties; monitoring, and, if necessary, enforcing, the withdrawal of forces behind the ZOS; and controlling airspace and movement of military traffic over key ground routes in Bosnia. IFOR was also given the authority, but not the obligation, to "help create secure conditions for the conduct by others of non-military tasks;" to assist the United Nations High Commissioner for Refugees (UNHCR) and

⁵³ Ibid., 216-9.

⁵⁴ Ibid., 218-9.

other organizations, especially the movement of those organizations; to ensure freedom of movement for civilians, refugees and IDPs and to respond to deliberate violence against such persons; and to assist in the monitoring of demining efforts.⁵⁶

This thesis argues that, given the unique implementation structure arrived at in Dayton, the role for SFOR is critical to the successful completion of the mission in Bosnia. In other words, because the military is really the only organized international entity in Bosnia and was initially the only one with any legal authority to take decisive action against uncooperative parties, it may be forced to take a more active role in stabilization so that normalization can occur. Theoretically, civilian agencies could fill that void if the international community were to revisit the agreements arrived at in Dayton. But because SFOR already has a broad mandate to support civilian implementation and any revision of Dayton is unlikely, an activist implementation strategy by SFOR offers the best chance for progress.

C. TRANSFORMING THE CONFLICT

In any event, the first priority was to stop the fighting. This is the primary objective of the transformation phase of a conflict suppression operation, and according to Joulwan and Shoemaker, involves seven basic tasks:

- Separate warring parties
- Maintain peace and security

⁵⁵ Ibid., 222.

⁵⁶ "The Role of IFOR in the Peace Process." Available [Online]: <<http://www.state.gov/www/regions/eur/bosnia/iforrole.html>. [26 October 2000], 1.

- Enforce arms embargoes
- Disarm belligerents and assist in demobilization
- Supervise compliance with arms control measures
- Restore basic services
- Provide humanitarian relief, including emergency assistance⁵⁷

The military aspects of Dayton, which NATO was in charge of, coincide roughly with the first four tasks in the transformation phase of conflict suppression.

Both the GFAP and United Nations Security Council Resolution (UNSCR) 1031 provide NATO with the authority to intervene militarily in Bosnia and delineated the mandate for the year-long Operation Joint Endeavor. IFOR's approximately 60,000 troops, of whom a third were American, therefore deployed on December 20, 1995 with the agreement of the former warring factions (FWF) and the blessing of the United Nations. By all accounts, they did their job admirably well.

Admiral Moore, briefing the US Senate Armed Services Committee on August 1, 1996, said, "Today is the 225th day of our deployment, and ... our military missions are, for all intents and purposes, complete."⁵⁸ The ZOS had been established 30 days after IFOR's arrival (D plus 30); 15 days after that, the warring parties had vacated those areas; at D plus 90, the parties who were taking control of that territory had moved in; at

⁵⁷ Joulwan and Shoemaker, 13-4.

⁵⁸ Senate Hearing 104-855 Hearing Before the Committee on Armed Services United States Senate One Hundred Fifth Congress Second Session August 1, October 2,3 1996. "U.S. Participation in Bosnia." (Washington, DC: U.S. Government Printing Office, 1997), 5.

D plus 120 confidence-building measures had been adopted, leading to the cantonment of heavy weapons, and IFOR was able to turn its attention to some of its secondary tasks.⁵⁹

Meanwhile, other governments and organizations were carrying out their responsibilities as befitted the transformation phase as well. Because it plays a similar role in promoting European-wide security, the OSCE took the lead in negotiating arms control agreements and confidence-building measures with the FWFs in order to ensure regional stability and balance of forces. Under the terms of the GFAP, the parties had agreed not to import arms for 90 days or heavy weapons for 180 days, and to begin discussing other measures with the OSCE. By the end of the first year of implementation the US State Department had assessed that all three entities had complied with these aspects of the agreement.⁶⁰

Through bilateral, multilateral and non-governmental aid programs, the international community also restored basic services and provided humanitarian assistance to the people of Bosnia during this time. In 1996, for example, the US donated \$249 million for humanitarian assistance and reconstruction efforts, much of which went to a "Quick Impact" package to help the Bosnian people as they prepared for the winter of 1996.

This economic assistance, which was complemented by assistance from other donors, has made a significant difference in the life of Bosnia's citizens. Among the

⁵⁹ Ibid., 6-9.

⁶⁰ "Implementing the Dayton Agreement Year One: A Record of Achievement," Available [Online]: <http://www.state.gov/www/regions/eur/bosnia/bosnia_accomplishments.html>. [26 October 2000], 1.

changes in Bosnia in 1996: 2,500 km of roads were upgraded, over 60 percent of the population was given power (up from 10 percent in December, 1995), over 90 percent of the population was given potable water, about 80 percent of pre-war telecommunications links were restored, and employment was up 30 percent with average wages up 408 percent. Nationwide, 15,000 homes were repaired, 5 principle power generation facilities were repaired. Urban transport was restored in major cities. 5,000 head of livestock and 1,000 tractors were imported to assist in agricultural recovery.⁶¹

The international community also assisted in physical reconstruction itself. For example, although IFOR was emphatically not tasked with direct responsibility for civilian activities like rebuilding infrastructure, much of what IFOR did to support its own military mission also benefited civilians, and these efforts were coordinated with civilian agencies. "To date [August 1, 1996], IFOR has played a supporting part in nearly 3,000 civilian economic reconstruction projects, to include work on transportation, public works, and civilian infrastructure tasks."⁶²

D. MIRED IN STABILIZATION

At this point, it can be said that the transformation phase of the operation was complete. The military elements of the Dayton Agreement were implemented and the immediate needs of the people met. The international community now turned its attention to creating the conditions that would allow for long-term stability: most

⁶¹ Senate Hearing 104-855, 126.

⁶² Ibid., 17.

importantly, economic reform and democratization. This is the goal of the stabilization phase.

The stabilization phase of a conflict suppression operation is the one in which the focus shifts from military to civilian implementation, and during which the “institutions of the indigenous government are readied to assume their future roles.”⁶³ It typically includes the following tasks:

- Maintain internal stability
- Establish the minimum level of military capacity essential for the country’s self-defense
- Restart the economic base
- Establish an indigenous police capacity
- Re-establish the educational system
- Build political institutions⁶⁴

1. IFOR/SFOR Contributions to Stabilization

As the mission in Bosnia transitioned to stabilization, the military continued its efforts to maintain security and also increased the support it provided to civilian organizations when it felt it could do so without detracting from its primary missions. As Admiral Moore said, at D plus 225, IFOR was “in phase four of Operation Joint

⁶³ Joulwan and Shoemaker, 14.

⁶⁴ Ibid.

Endeavor, known as the peace implementation phase, where we attempt to create the conditions on the ground under which the civil implementation tasks can take place.”⁶⁵

For example, the Admiral said that IFOR had begun to increase its patrols in support of FOM, because FOM is critical to free and fair elections.⁶⁶ IFOR dismantled checkpoints and worked out procedures for refugee return with the UNHCR and the International Police Task Force (IPTF) to promote peaceful movements of refugees and IDPs.⁶⁷ Also, the improvements IFOR made to civilian infrastructure, such as roads, bridges and railways, enhanced both IFOR’s primary mission and civilian FOM.

Under Secretary of Defense for Policy Walter B. Slocombe explained some of the other steps IFOR was taking to complement and assist the civilian implementation effort: “IFOR will, subject to its responsibility for all military tasks of Dayton and within its capabilities and force protection tasks, provide material and resource support to civilian agencies. This assistance, including intellectual, staff, and coordination support, will be proactively pursued by IFOR.”⁶⁸

For example, in support of the September 1996 elections, IFOR increased its presence near polling stations to minimize the chances of disruption or intimidation, provided the OSCE with personnel and logistics support and assisted in printing and

⁶⁵ Senate Hearing 104-855, 7.

⁶⁶ Ibid., 5 and 9.

⁶⁷ Ibid., 55

⁶⁸ Ibid., 17.

distributing voter lists and information materials.⁶⁹ To the International Criminal Tribunal for the former Yugoslavia (ICTY), IFOR “provided area security, threat assessments, communications support, accommodations, storage of ICTY-owned heavy digging equipment, and emergency assistance for Tribunal teams investigating war crimes in and around Srebrenica, Brcko, and other areas of Bosnia.”⁷⁰

After the September, 1996 elections in Bosnia, NATO leaders agreed that although IFOR had successfully completed its mission, much remained to be done in Bosnia and that a continued, albeit reduced, military presence would be necessary to consolidate the peace. This follow-on Stabilization Force (SFOR) was composed of 32,000 troops from 18 NATO nations and 15 non-NATO nations, including Russia. Its name was indicative of its responsibilities: “*to deter or prevent a resumption of hostilities or new threats to peace,*” to “*promote a climate in which the peace process can continue to move forward*” and to “*provide selective support to civilian organizations within its capabilities.*”⁷¹

2. Economic Reconstruction and Reform

Meanwhile, a wide range of civilian organizations assumed the burden of fulfilling the other tasks of the stabilization phase. The World Bank, European Union

⁶⁹ George Stewart and Frederick D. Thompson, *IFOR's Experience in Bosnia: Three Case Studies*, CRM 98-113/September 1998 Research Memorandum (Alexandria, VA: Center for Naval Analyses, 1998), 99.

⁷⁰ Senate Hearing 104-855, 54.

⁷¹ “History of the NATO-led Stabilization Force (SFOR) in Bosnia and Herzegovina,” *SFOR Informer Online*. Available [Online]: <<http://www.nato.int/sfor/docu/d981116a.htm>>. [4 January 2001], 1-2. Italics added by the author.

and International Monetary Fund—who together provided the bulk of the money for and administered an economic reconstruction and revitalization program that ended up being proportionately many times larger than the Marshall Plan to rebuild Europe in the aftermath of World War II—took the lead in developing an economic society.⁷²

The center-piece of the effort was the four-year, \$5.1 billion loan made by the World Bank for economic reconstruction.⁷³ Longer-term goals focused on creating jobs, revitalizing the economy—especially through loans to small and medium-sized businesses and municipal level loans—and reducing debt, all to make the advantages of living in a democratic society more readily apparent.⁷⁴

As of October, 2000, however, High Representative Walter Petritsch still assessed the program of economic reform to be falling short of its goal of creating a viable and self-sustaining economy in Bosnia and Herzegovina. The state of the economy was fragile, he said, and could very well worsen as the income from the World Bank loan dries up.

So far, the privatization process has hardly attracted significant foreign interest and financial flows. A key to medium term re-balancing of the economy is to foster private investment to replace external aid: by the end of 2000, enough reforms must be completed to attract

⁷² Bildt, 152.

⁷³ Ivo H. Daalder and Michael B. G. Froman, "Dayton's Incomplete Peace," *Foreign Affairs* vol. 78 no 6, November/December 1999. 110.

⁷⁴ "Implementing the Dayton Peace Agreement: The Contribution of the United States and the International Community to Economic Revitalization and Reconstruction." Available [Online]: <http://www.state.gov/www/regions/eur/bosnia/bosnia_economic_recovery.html. [26 October 2000], 1.

investors in BiH in order to avoid a deepening financial crisis.⁷⁵

3. Political Reform

In the Dayton Peace Accords, the OSCE was asked to supervise the preparation and conduct of post-war elections in Bosnia and Herzegovina, thus fulfilling the electoral requirement for democracy as well as developing some of the elements of a political society. This included verifying that candidates running for office were in fact eligible to run for office, registering voters, auditing elections, providing training for the national and international staff that would be involved in running the elections, producing and disseminating voter information and also coordinating out-of-country voting.⁷⁶

As a corollary to its political responsibilities, the OSCE also established a Department of Media Affairs (DMA) that “strives to promote an independent, pluralistic and professional media in Bosnia and Herzegovina.”⁷⁷ It does this through financial grants and in-kind support to independent media organizations, by programs to assist in professional development and provide greater access to information, and by lobbying for laws relating to freedom of information and the protection of journalists.⁷⁸

⁷⁵ “Report by the High Representative for Implementation of the Peace Agreement to The Secretary-General of the United Nations, 17 October 2000,” Office of the High Representative. Available [Online]: <<http://www.ohr.int/reports/r20001017a.htm>. [7 February 2001], 9.

⁷⁶ “Elections Department Introduction,” Official OSCE Website Mission to Bosnia and Herzegovina. Available [Online]: <<http://www.oscebih.org/elections/eng/elections.htm>. [8 November 2000], 1.

⁷⁷ “Department of Media Affairs,” Official OSCE Mission to Bosnia and Herzegovina Website. Available [Online]: <<http://www.osce.bih.org/mediaaffairs/eng/media-affairs.htm> [10 November 2000], 1.

⁷⁸ Ibid.

4. Rule of Law

Among the least successful elements of civilian implementation, so far, has been the work of the International Police Task Force (IPTF) in promoting a secure environment for civilians by developing an indigenous police capacity, an essential element of judicial reforms to enhance the rule of law. In Annex 11 of the General Framework Agreement, the parties requested the assistance of the UN in establishing a civilian law enforcement capability “operating in accordance with internationally recognized standards and with respect for internationally recognized human rights and fundamental freedoms.”⁷⁹

In response, UNSCR 1035 authorized the creation of the IPTF to monitor, observe and inspect law enforcement activities and facilities; to advise and train local law enforcement personnel; to advise the new governments on effective civilian law enforcement; and to ensure that internationally accepted human rights and democratic policing practices are respected.⁸⁰ Regrettably, in the event of non-compliance, the IPTF’s only recourse was to appeal to the HiRep, who could then bring the matter to the attention of the FWFs.

Michael J. Dziedzic and Andrew Bair, authors of the chapter on Bosnia and the IPTF in the National Defense University Press book, *Policing the New World Disorder: Peace Operations and Public Security*, believe that the IPTF mandate left much to be

⁷⁹ “IFOR: The General Framework Agreement: Annex 11.” Available [Online]: <http://www.nato.int/for.gfa.gfa-an11.htm>. [26 October 2000], 1.

desired. They quote the IPTF's first Deputy Commissioner, Robert Wasserman, on the subject:

It appears the framers of Dayton perceived that the IPTF would somehow simply monitor local police to see they didn't get out of hand and then advise willing parties on how to professionalize the police with modern practices. There was no thought given to the fact that the ethnic rivalries meant there was no functioning police to protect minorities after Dayton.⁸¹

The inevitable result was that corruption and abuse of ethnic minorities continued in all three communities, and the police of the Bosnian Serb Republic did not even begin to cooperate with the IPTF restructuring program until late in 1997. Consequently, Dziedzic and Bair conclude that due to the enforcement gap, "in general, the IPTF was more successful at managing the behavior of local uniformed police forces than they were at controlling the conduct of vandals and provocateurs from both sides of the ethnic divide."⁸²

Another essential element of rule of law, in addition to police reform, is respect for human rights. Both the United Nations and the OSCE have developed programs to monitor and promote the respect for human rights in Bosnia. For example, the OSCE gathered information documenting discriminatory employment practices, including widespread firing of minority workers during and after the war, recruitment of workers

⁸⁰ Ibid. and "Bosnia and Herzegovina -- UNMIBH Mandate." Available [Online]: <<http://www.un.org/Depts/DPKO/Missions/unmibh/unmibhM.htm>. [21 October 2000], 1.

⁸¹ Robert Wasserman, quoted in Oakley, Dziedzic and Goldberg, 270.

⁸² Ibid., 283-5.

from majority ethnic groups, and hiring practices that give preference to ex-soldiers. In response, officials developed a “discrimination audit” to monitor fair employment practices and coordinated with international investors, NGOs and embassies in Bosnia to impose “conditionality in the allocation of funds, credits and loans.”⁸³

5. Reconciliation

The International Criminal Tribunal for the former Yugoslavia, which prosecutes war criminals, is another aspect of the effort to promote justice and the rule of law but it also helps to address the need of post-conflict societies for justice and reconciliation. Through mid-1997, the prosecution of war criminals proceeded only slowly. At that time, although the Bosniacs had surrendered all individuals in their territory accused of war crimes, 66 of the 74 people publicly indicted remained at large, and some of them were serving in official positions.⁸⁴

Today, 39 of 66 indictees are currently in proceedings and 27 have yet to be apprehended. An additional 35 are in custody and 4 have been provisionally released (others have had charges dropped or died). Nevertheless, two of the most notorious criminals, Radovan Karadzic and Ratko Mladic are still free and of those who have been arrested, only a handful were turned in by the local police.⁸⁵ On the positive side, former

⁸³ “Economic and Social Rights,” OSCE BiH Human Rights Department, Official OSCE Website Mission to Bosnia and Herzegovina. Available [Online]: <<http://www.oscebih.org/humanrights/eng/hr-property-ecosocrights-eng.htm>>. [8 November 2000], 2.

⁸⁴ USGAO Testimony, 4.

⁸⁵ “Outstanding Public Indictments,” International Criminal Tribunal for the Former Yugoslavia (not an official document) updated 23 January 2001. Available [Online]: <<http://www.un.org/icty/glance/indictlist-e.htm>>. [7 February 2001], 1.

Bosnian Serb Republic President Biljana Plavsic, who served as the vice-president during the war, surrendered herself to the Hague in January, 2001.

Encouraging refugee return can help fulfill the need for reconciliation as well, and the UNHCR was the logical choice to run the much-needed humanitarian aid and refugee programs, with the assistance of NGOs and private volunteer organizations.⁸⁶ These groups had a daunting task ahead of them, as the war had forced 2.8 million people, or fully 60 percent of the pre-war population, from their homes as either IDPs or refugees.⁸⁷

Since 1998, refugee return has increased significantly, despite an admittedly slow start. The current figure for returnees is just over 700,000 registered returns for all of Bosnia Herzegovina from January, 1996 to October 31, 2000.⁸⁸ This number does not include spontaneous returns, which according to the Office of the High Representative also have been increasing due to improved security conditions.⁸⁹

6. Programs by NGOs

Non-governmental organizations have been particularly active in assisting the UNHCR in refugee return. For example, the United States Agency for International Development funds a local NGO called Centers for Civic Initiatives (CCI) that assists displaced persons in Jablanica to work together to reconstruct their communities. The

⁸⁶ Daalder, 156.

⁸⁷ Von Hippel, 165.

⁸⁸ "Returns Summary to Bosnia and Herzegovina from 10/01/96 to 31/10/00," UNHCR Sarajevo. Available [Online]: <<http://www.unhcr.ba/Operations/Statistical%20package/T6-ret10.pdf>>. [20 December 2000].

group conducted a survey of other displaced Bosniacs to determine whether and under what conditions they would return to their former homes, and then met with local authorities and international organizations to find ways to meet those conditions.⁹⁰

CCI is a good example of a project that meets an immediate requirement in a post-conflict society at the same time that it promotes social change. It fulfills the short-term needs of IDPs to return to their homes and simultaneously contributes to the long-term development of civic culture. "CCI's goal is to train grassroots organizations to participate in the political process by organizing around issues that will improve the lives of their communities."⁹¹

Another USAID-funded NGO is the American Bar Association's Central and East European Law Initiative (CEELI), which responds to the need for an independent judiciary. It provides money for four resident liaisons, short-term legal specialists and training workshops. CEELI also worked with representatives of the Federation to rewrite the criminal code to strengthen due process protections and to bring the Federation code into compliance with the international standards mandated by the BiH constitution.⁹²

⁸⁹ Report of the High Representative 17 October 2000, 12.

⁹⁰ "Civic Organizers Help Displaced People Return to Their Homes," The U.S. Agency for International Development Mission in Bosnia and Herzegovina. Available [Online]: <<http://www.usaid.ba/succstories/democracy/civorg1.htm>. [7 February 2001], 1-2.

⁹¹ Ibid., 2.

⁹² "Rule of Law Program," The U.S. Agency for International Development Mission in Bosnia and Herzegovina. Available [Online]: <<http://www.usaid.ba/information/sheets/ruleofl.htm>. [7 February 2001], 1.

The Soros Foundation also works to enhance the rule of law by helping law faculties to update their curricula, holding seminars and other training opportunities for lawyers and providing them with computers and Internet access. It also funds a similar program for journalists to help develop an independent and professional media.⁹³

On a less academic note, in May, 1999 the American Refugee Committee completed a \$3.2 million "Reintegration of Children and Youth into Society" program, also bankrolled by USAID, that invested in playgrounds, fields and sports facilities and equipment throughout both the Federation and the Bosnian Serb Republic. "One of the central objectives of this program was to facilitate the reintegration of communities through integrated recreation programs to foster youth participation and build a sense of community ownership for the repaired sites."⁹⁴

E. IN PURSUIT OF NORMALIZATION

But despite the considerable progress that has been made in Bosnia during the stabilization phase, a self-sustaining, democratic peace continues to elude both the International Community and the Bosnian people. The goal of this section is to examine why, after six years, many billions of dollars, and the considerable efforts of SFOR, the UN, the OSCE, the World Bank and many other international, governmental and non-governmental organizations, the normalization phase of the Bosnia operation has not

⁹³ "Law Center," Soros Foundation. Available [Online]: <<http://www.soros.org.ba/centers.html>>. [7 February 2001], 1.

⁹⁴ "Humanitarian Support through Non-Governmental Organizations," The U.S. Agency for International Development Mission in Bosnia and Herzegovina. Available [Online]: <<http://www.usaid.ba/information/sheets/humani1.htm>>. [7 February 2001], 1.

occurred. Part of the reason, I will argue, is to be found in the assumptions that underlie the democratization effort itself.

In an ideal situation, once the international community judges that the situation is sufficiently advanced, the operation would then enter the normalization phase, during which "external forces and assistance are gradually withdrawn and their responsibilities are turned over to evolving institutions within the country itself."⁹⁵ Specific tasks include:

- Gradually hand over internal security responsibilities to local police
- Ensure that the judicial system is functioning
- Withdraw international military forces while maintaining the capacity to keep the peace with forces outside the country
- Gradually transfer responsibility for services to the local government
- Assist in the expansion of the economic base
- Make the transition to self-governance⁹⁶

The situation in Bosnia, though, remains far from ideal and part of the explanation for that can be found in Carothers' critique of the democratization template. In explaining the core strategy of the US approach to democratization, Carothers suggests that there are four common mistakes American democracy aid providers tend to make. The first is over-applying the American model of democracy; the second is assuming all countries transitioning to democracy follow the same trajectory; and the third and fourth are rooted in the conceptual failings of the institutional model. These are: first, that

⁹⁵ Joulwan and Shoemaker, 14.

⁹⁶ Ibid., 14-5.

building democratic institutions will result in democratization, an assumption that Carothers says leads to treating “the symptoms rather than the causes of democratic deficits”; and second, that democratic institutions can be grafted on to a society that is culturally and attitudinally not ready to support democracy.⁹⁷ It is these last two misconceptions that lie at the root of some of the more fundamental shortcomings of the stabilization effort in Bosnia.

To be sure, there are other problems that have crippled civilian implementation of the Dayton Peace Accords as well, ranging, according to some, from the ethnic divisions enshrined in the Accords themselves to the absence of any mechanism to assure unity of effort between the civilian and military elements of the operation. Other than acknowledging that there are many lessons to be learned from the international community’s experiences in Bosnia, however, this thesis does not intend to address or even identify all such issues. The purpose of this thesis is only to understand how SFOR can help resolve some of the problems that prevent normalization. This section proposes to identify those problems, while potential solutions will be presented in Chapter IV.

1. Elite Commitment to Reform

The enforcement gap cited earlier, both at the level of the HiRep and the IPTF, is indicative of a failure on the part of the international community to take into account power structures and interests. The international community is as guilty as Carothers’ hypothetical aid providers of assuming that “local actors will adopt democratic goals

⁹⁷ Carothers, 101, 92 and 114.

because democracy is inherently desirable,” and then being “surprised and disappointed when local people and groups refuse to change their ways, to work for the common good, or to give away power out of respect for principles.”⁹⁸

Jeffrey Smith states the case rather bluntly in his December 4, 2000 article, “The Struggle to Rebuild Bosnia” for the *Washington Post*: “A fundamental premise—that Bosnian leaders would govern fairly if given security and resources—has proven woefully wrong. Instead, they have often had one corrupting and nationally debilitating aim: to retain power at all costs, by expropriating state funds and stoking renewed ethnic nationalism.”⁹⁹

For example, despite the on-going activities of the World Bank, IMF, EU and other organizations involved in the economic reconstruction of Bosnia, and despite the pressing need for economic reforms, Ivo Daalder and Michael B. Froman argue in a 1999 article for *Foreign Affairs* that virtually no progress has been made in transitioning from a Communist to a market economy.

Instead of lessening their grip on the country’s financial sector, privatizing its assets, and creating an atmosphere that encourages private-sector economic activity (including foreign investment), they have maintained control and tolerate, if not participate in, a system rife with corruption—all in the service of what they define to be their nationalist political interests. For example, no real banking system has been permitted to develop because, to date, the Bosnians have insisted on maintaining the

⁹⁸ Ibid., 102.

⁹⁹ Jeffrey Smith, “The Struggle to Rebuild Bosnia: Five Years After the War’s End, the West Acknowledges that its Efforts Have Mostly Failed,” *The Washington Post National Weekly Edition*, 4 December, 2001. 14.

Yugoslav payments system, which allows them to track every transaction in the country and to skim off the top to fund nationalist political activities.¹⁰⁰

A second reason for noncompliance with civilian implementation programs, especially in the Bosnian Serb Republic, was the continued participation of indicted war criminals in politics. The most egregious example of this was Karadzic, who wielded considerable power in the Bosnian Serb Republic even though the GFAP banned him from running for office. Among other things, Karadzic instructed his “special police” to intimidate Bosnian Serbs who supported Dayton, and his use of the media to promote racist propaganda further undercut efforts at reconciliation.¹⁰¹

USGAO associate director Johnson recalled that, “during our 1997 fieldwork in Bosnia, many officials with whom we spoke were unequivocal in their opinion that Radovan Karadzic must be arrested or otherwise removed from the scene in Bosnia as soon as possible.”¹⁰²

The international community did try to address noncompliance issues by withholding economic assistance as a means of compelling cooperation. For example, on May 30, 1997, the Steering Board of the Peace Implementation Council “tied assistance for housing and local infrastructure of acceptance of returns, and gave priority to

¹⁰⁰ Daalder and Froman, 109.

¹⁰¹ Holbrooke, 338 and 344.

¹⁰² USGAO Testimony, 8.

UNHCR's "Open Cities" project."¹⁰³ The State Department assessed this approach to be generating the desired political pressure for cooperation as early as March, 1997 because of signs that some Bosnian Serb politicians were willing to make concessions such as employing a multi-ethnic workforce in return for economic assistance. Nevertheless, as of July 1997, officials had observed "no tangible results in this area, primarily because attempts to work with these leaders were blocked by Radovan Karadzic."¹⁰⁴

Clearly, Bosnia's elites were not always the selfless, committed democratic reformers the international community had hoped they would be and they have successfully undermined much of the international community's efforts to build democratic political and economic institutions in Bosnia.

2. Failure to Internalize Democratic Culture

To be fair, however, neither are the corrupt, nationalist Bosnian politicians—regardless of which ethnic group they come from—representing a local citizenry that has itself embraced democratic values and norms. This problem highlights the second difficulty stemming from the institutional model of democratization: the lack of success the international community has had in developing the values and norms that provide the foundation for a functioning democracy.

¹⁰³ Ibid., 6-7.

¹⁰⁴ Ibid., 7. Holbrooke, in a July 1996 trip to Belgrade, attempted to deal directly with the problem of Karadzic by threatening to re-impose sanctions if he did not withdraw from public life. An agreement removing Karadzic from the public eye was reached just before the September elections were held in Bosnia, but when American interest flagged Karadzic re-emerged in June, 1997 (Holbrooke, p 340-6).

One indicator of this is the nearly ubiquitous presence of corruption and tax evasion:

In Bosnia, multiple approvals by a wide array of petty officials are required for almost any type of economic activity, opening the door to widespread graft. Taxes are collected unevenly. (It is believed that the nonpayment of taxes accounts for much of the oft-cited \$1 billion lost to corruption).¹⁰⁵

This suggests that respect for the rule of law has hardly been internalized in Bosnian society, and that the reciprocal responsibilities of citizens to government and government to citizens are not observed. Unless they are rooted in a civic culture that supports democracy, democratic institutions will not survive, not even in the mundane sense of being financially viable.

A second indicator that democracy has yet to take root among the citizenry is the fragile state of the civil society. Civil society in the Western sense was not well developed under Communism, but it has grown considerably in size and importance since the war. A Bosnian operations analyst at the World Bank office in Sarajevo who also serves as the World Bank liaison to NGOs in country said that due to the strong donor presence and large number of international NGOs, the number of local organizations had increased to over 300. These organizations, he added, are becoming increasingly relevant

¹⁰⁵ Daalder and Froman, 109.

due to their comparative advantage in providing local services and are now recognized by the government as partners.¹⁰⁶

Despite this marked progress, however, the local NGOs are not yet self-sustaining. The analyst cautioned that such organizations now find themselves at a crossroad: "Either they will continue to build up their capacities and reputation and become more and more recognized [as a] factor in BH society, or they could remain heavily dependent on foreign aid and donations."¹⁰⁷

3. Lack of Legitimacy

Yet another problem facing Bosnia is the failure of government to develop legitimacy as a democracy. This is indicated both by the public's lack of faith in government institutions, but also by the high rate of emigration. A member of the Oregon Army National Guard who established the Office of the Inspector General (OIG) in Bosnia and Herzegovina commented that popular sentiment was very supportive of the international military presence; in fact, when entity police set up illegal checkpoints, for example, citizens called SFOR to complain.¹⁰⁸ Such faith in SFOR is a credit to the force, but before the international community can consider its mission accomplished Bosnian citizens must have faith in the responsiveness and good intentions of their own law enforcement agencies as well.

¹⁰⁶ Goran Tinjic, "Re: Thesis Work." E-mail to the author. 22 January, 2001.

¹⁰⁷ Ibid.

But rather than staying and trying to change the situation, many of Bosnia's citizens seem to be opting to leave the country instead. In his article for *Foreign Affairs*, former HiRep Carl Bildt quoted a UN survey that indicated "62 percent of young people would leave Bosnia if given the chance."¹⁰⁹ The International Development Associate, a World Bank affiliate, tried to address this problem in part with a \$1 million grant to purchase computers and make housing improvements at the University of Sarajevo to give high school graduates an incentive to stay in Bosnia.

As it happened, though, the university's Board of Trustees, which included the prime minister and the president's son, diverted over \$500,000 during the course of the next three years for a fancy car, office furniture, supplements to salaries, and a low-interest home loan for the Rector, Nežad Mulabegovic.¹¹⁰ Criminal charges have been filed in this case, but the widespread corruption has not given "an already skeptical—and often cynical—population any reason to believe politicians on the whole are engaged in anything more than self-enrichment."¹¹¹

Clearly, before peace in Bosnia can be considered self-sustaining, there will have to be a society-wide shift to embrace values such as the rule of law and democratic governance. No meaningful progress can be made if the elites continue to thrive on

¹⁰⁸ Conversation between Colonel Robert Tomasovic, USANG and the author, 11 January 2001. SFOR's response would then be to call the IPTF, which would then call the entity police force, and lean on them to stop the illegal activity.

¹⁰⁹ Bildt, 152.

¹¹⁰ Smith, 14.

¹¹¹ John W. Western and Daniel Serwer, *Bosnia's Next Five Years: Dayton and Beyond* United States Institute of Peace Special Report (Washington, DC: United States Institute of Peace, November, 2000), 6.

corruption and the people continue to emigrate and no one has confidence in Bosnian government institutions. If these problems are to be successfully resolved, SFOR must redefine its mission to actively pursue social and cultural changes that support the national objective of the United States and the world community as a whole.

Thus far, SFOR has interpreted its role as one of merely providing a secure environment. But as an Army Special Forces Colonel who now serves as chair for the Special Operations/Low-Intensity Conflict Department at the Naval Postgraduate School explains, "Being a police force is nothing but providing a secure environment so that you can create change."¹¹² Successful stabilization has to include effecting that change, and the military has an as-yet-untapped capability to play a productive role in this as well. The goal is not for the military to replace the civilian organizations in the International Community that are responsible for nation-building, but to have the military utilize all its resources in support of that goal. The next chapter will discuss specific ways SFOR can do this, in particular by addressing the inadequate commitment to democracy among the citizens of Bosnia and pursuing military reform as a way to strengthen the legitimacy enjoyed by the Bosnian government.

¹¹² Joe Andrade,, Colonel, USA, Naval Postgraduate School, interview by author, 25 January 2001.

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IV. EFFECTIVE DEMOCRATIZATION

The preceding chapters have described the end-state of a successful democratization mission and the contributions the military and other members of the international community have made. Chapter III identified some of the shortcomings that continue to plague Bosnia and that prevent a large-scale withdrawal of troops and it explained the unique implementation structure that makes SFOR the best candidate for promoting effective change. This chapter describes the ways SFOR can better support the overall mission.

As Under Secretary of Defense Slocombe told the Senate Committee on Armed Services during the October Hearing on Bosnia, IFOR succeeded “brilliantly” in accomplishing its military tasks—in effecting the transformation phase of conflict suppression.¹¹³ Stabilization lags far behind, however, and even though this is properly the primary responsibility of civilian organizations, a strong military presence will be required until a significant degree of stabilization is achieved.

In many ways this situation is unique to Bosnia because of the poorly designed civilian implementation structure that failed to coordinate civilian implementation efforts and that left “enforcement gaps” at all levels of civilian implementation, from the Office of the High Representative down to the IPTF. But the consequence is that SFOR will

¹¹³ Senate Hearing 104-855, 109.

have to be more of a force in driving stabilization for it to succeed. More importantly, the military has the ability to support building a self-sustaining peace; choosing to assist would simultaneously contribute to the national policy objective by speeding the stabilization process and allowing SFOR to withdraw.

Chapter II explained the importance to consolidated democracy of faith in the legitimacy of democracy and of a political culture that incorporates democratic norms such as participatory citizenship, tolerance and willingness to compromise. Chapter III highlighted the continuing absence of these elements in Bosnian society as a whole, despite the progress that has been made in other areas. These are, however, three areas in which the military can expand its mission to more effectively support democratization: it can positively influence the behavior of elites; it can foster the development of attitudes better suited to democratic citizenship among the masses; and by pursuing military reform in the entity armed forces it can enhance the legitimacy of the government among its citizens. The next three sections will examine how this might be done. The fourth section will explore an alternative approach to force protection that would better support the international community's objectives in Bosnia.

A. INFLUENCING ELITE BEHAVIOR

A country's elites make up the section of the population that provides "the top decision-makers, political activists and opinion shapers, in politics, government, the economy and society."¹¹⁴ A commitment on their part to democracy is therefore crucial

¹¹⁴ Diamond, *Developing Democracy*, 66.

to its ultimate success. "Unless elites accept, in a regular and predictable way, the rules and limits of the constitutional system and the legitimacy of opposing actors who similarly commit themselves, democracy cannot work."¹¹⁵ A major stumbling block in the democratization of Bosnia and Herzegovina, however, has been that the elites quite honestly are not committed to democracy.

The international community has been forced to admit that Bosnia's nationalist leaders are more interested in retaining power and the economic benefits that come with it than they are in democratizing, even if this means exploiting the "fear and pain of the people," as a senior NATO commander told *New York Times* columnist Thomas Friedman.¹¹⁶ Another problem is the continued connection between politics and organized crime, an association that is in many ways directly related to the war.¹¹⁷

The result, according to the *SFOR Lessons Learned in Creating a Secure Environment with Respect to the Rule of Law*, is an "unholy alliance" or "iron triangle" composed of organized crime figures, corrupt, nationalist politicians and the secret police, paramilitary and intelligence agencies. This alliance dominates the political process and obstructs the implementation of Dayton and the successful institutionalization of rule of law.¹¹⁸ Critical elements of a democracy, such as a truly stable security environment, a market economy that operates according to legal principles

¹¹⁵ Ibid., 173.

¹¹⁶ Thomas Friedman, "Not Happening," *New York Times*, January 23, 2001. A21.

¹¹⁷ Oakley, et al., 260-1.

¹¹⁸ *SFOR Lessons Learned*, x.

and an independent judicial system simply cannot emerge under the nationalist, undemocratic and corrupt leadership that is now in power throughout Bosnia.

The easy solution to this problem is to purge the leadership, and ideally this ought to have been done from the start. US diplomat Jacques Klein, expressing frustration with the pace of implementation, observed: "Our forefathers got it right after the Second World War when they imposed [on Germany] five years of occupation, de-Nazification and massive economic support."¹¹⁹

Admittedly, this is not a very democratic way to encourage democratization, and the situation in Bosnia now is radically different than it was in occupied Germany 50 years ago. In fact, the arrangement in Bosnia is deliberately "anti-colonialist." Rather than tell the Bosnians what to do in their own country, the idea has been to employ a "hands-off strategy that some defend as the only way for local officials to learn how to govern fairly."¹²⁰

Unfortunately, that strategy is not working because, as Carothers explains, the elites have a strong interest in maintaining the status quo. The alternative, removing officials who oppose implementation, imposing laws when the local legislatures fail to act, pursuing war criminals and otherwise sidelining obstructionist leaders, may not be democratic either but it may work. Germany, for example, emerged from a period of

¹¹⁹ Jacques Klein, quoted in Smith, 14.

¹²⁰ Smith, 14.

occupation and authoritarian rule by the Allies to become a strong consolidated democracy.

The problem is, the Allied approach to Nazi Germany may not be possible in a negotiated settlement, as Pauline Baker, President of the Fund for Peace and professorial lecturer at the School of Foreign Service at Georgetown University, writes in her chapter "Conflict Resolution versus Democratic Governance" in a book on conflict management. "The need to create power-sharing arrangements with rival factions and to include all major groups in a peace process often clashes with the need to bring human rights abusers to justice, establish the rule of law, and build new state structures that can earn the confidence and trust of the people."¹²¹ The GFAP is one such example: The individuals who signed it were never sincere democratic leaders to begin with and they are now blocking the growth of truly self-sustaining peace.

There is, though, a way around this dilemma. The solution is to interpret broadly the mandates that allow the international community to respond to obstructionism. Both the Dayton Peace Accords and the 1997 decision by the PIC give the HiRep and SFOR the right to take action against individuals who are interfering with implementation.¹²² Armed with this legal authority, neither the HiRep nor SFOR need feel any qualms about sidelining elites who are insufficiently committed to democratization.

¹²¹ Chester A. Crocker, Fen Osler Hampson and Pamela Aall, eds., *Managing Global Chaos: Sources of and Responses to International Conflict* (Washington, DC: United States Institute of Peace Press, 1999), 564.

¹²² *SFOR Lessons Learned*, 4.

In pursuit of this end, there are a number of concrete steps SFOR can take. First, it can vigorously pursue and arrest indicted war criminals. Second, it can provide civilian organizations, particularly the Office of the High Representative, with intelligence on criminal activity and corruption. And third, it can continue to deter the use of force or intimidation by maintaining a high profile around the country.

1. War Criminals

The first solution, arresting indicted war criminals, is absolutely critical. Commentators ranging from Richard Holbrooke to Ivo Daalder to the authors of the *SFOR lessons Learned* cite the continued presence of war criminals, particularly Radovan Karadzic, as one of the most serious obstacles to implementation. Ideally, because of the benefits to an intervening military force of being perceived as neutral and apolitical, some other organization would pursue war criminals, such as the IPTF, the ICTY itself, or eventually even the local police. But the local police will not arrest their own leaders, the ICTY does not have the ability and the IPTF mandate is limited to training and advising.

SFOR, by contrast, has both the legal authority and the ability. Annex 1A of the Dayton Peace Accords very specifically directs SFOR to “ help create secure conditions for tasks associated with the peace settlement,” which includes establishing an environment conducive to the rule of law. It also explicitly gives SFOR the right to “fulfill its supporting tasks,” to accept further directives from the North Atlantic Council,

and to do "all that the Commander judges necessary" in fulfillment of its mission. It also makes the Commander the final authority on military aspects of implementation.¹²³

But although the NATO-led forces have the authority to arrest war criminals, they were initially reluctant to use it. In fact, defining IFOR's role in arresting war criminals was one of the most controversial issues surrounding its deployment.¹²⁴ Military leaders objected to this mission for two reasons. First, they remembered the backlash against American troops in Somalia when the hunt for Mohamed Farah Aideed began.

Second, they were uncertain what sort of reception they would get from the EAFs, paramilitaries, and civilians when they arrived in Bosnia and thought that enforcing the cease-fire and force protection would demand all their time and resources. Eventually

¹²³ *SFOR Lessons Learned*, 4.

¹²⁴ Another major controversy with far-reaching implications was the debate over whether IFOR would take on any interim constabulary functions. When it entered the country, IFOR made it clear that it was not there to take on policing duties, even though local police were obviously not capable of even-handedly maintaining order and the IPTF, restricted by its mandate to training and monitoring missions, had yet to arrive.

Holding firm to this interpretation of its role, IFOR refused to stop Serbs in Sarajevo suburbs from gutting their apartments, burning and booby-trapping some buildings, and intimidating other Serbian residents into evacuating before the territory was transferred to Federation control.

Holbrooke believes this was a defining moment for the international mission, and one that had negative consequences for implementation. Buoyed by IFOR's lack of response in this incident, he argues that Bosnian Serb authorities "began resisting on almost every non-military issue, while remaining careful not to provoke IFOR" (Holbrooke, p. 338).

The authors of the *SFOR Lessons Learned* offer a similar interpretation of the event: "When the Implementation Force (IFOR) rolled in, the Bosnian public perceived that IFOR had come to clean the place up. IFOR had legitimacy in the public's eye and could have taken a more assertive posture. However, over time the perception of IFOR/SFOR changed. The local community began to view IFOR/SFOR as a less sincere, less capable, less robust stabilization force. Many locals adopted a "wait and see" attitude and lost interest in cooperating" (*SFOR Lessons Learned*, 12).

NATO and the US military might want to reconsider this policy in the future, in light of the negative impact it has on mission accomplishment. It would not necessarily have to be a job taken on by military forces, but NATO could simultaneously deploy military police, a constabulary force or units such as the Military Support Unit (MSU) currently working in Bosnia.

both sides agreed to a compromise, which allowed that while IFOR would not have the obligation to arrest war criminals it would have the authority to do so.

Some even opposed that wording, though. Meeting Admiral Leighton Smith in Sarajevo, Holbrooke says the military leaders made it clear to him that they intended to pursue a minimalist interpretation of their mandate, as they apparently already had informed the Bosnian public:

Smith signaled this in his first extensive public statement to the Bosnian people, during a live call-in program on Pale Television—an odd choice for his first local media appearance.... “One of the questions I was asked was, ‘Admiral, is it true that IFOR is going to arrest Serbs in the Serb suburbs of Sarejevo?’ I said, ‘Absolutely not, *I don’t have the authority to arrest anybody*’ [emphasis added by Holbrooke].”¹²⁵

A more nuanced interpretation of the mandate, however, was given by Under Secretary Slocombe, who understood the IFOR mission as being “to detain indicted war criminals and hand them over to the International Tribunal if they are encountered by IFOR personnel during the normal course of their duties and the tactical situation permits.”¹²⁶

To its credit, IFOR did take steps short of arresting war criminals to curtail the political activities of prominent ultra-nationalists such as Karadzic. Slocombe told the Senate Committee on Armed Services that

¹²⁵ Holbrooke, 222.

¹²⁶ “U.S. Participation in Bosnia,” Hearing Before the Committee on International Relations House of Representatives One Hundred Fifth Congress Second Session, March 12, 1998 (Washington, DC: U.S. Government Printing Office, 1997), 18.

We have made a conscious decision, 'we' being IFOR, to step up the pace of patrolling in the areas around Pale, which is where Karadzic's operation has been run out of. This is not with any realistic expectation that we, IFOR, will catch him as a result of this.... The patrolling is more to make it more difficult for him to take an active role in public life.¹²⁷

Later SFOR did adopt a more aggressive approach. The first instance of NATO troops attempting to arrest war criminals was on July 10, 1997, when British soldiers arrested one Bosnian Serb and shot another in self-defense. The two Bosnian Serbs had been secretly indicted for complicity with commitment of genocide.¹²⁸ But given the number and notoriety of the indicted war criminals yet to be arrested, more progress is needed on this front.

Nor is the pressure to take a harder line coming solely from people like Holbrooke. The authors of the *SFOR Lessons Learned* also stress the importance of arresting war criminals. They argue that the failure to arrest well-known Persons Indicted for War Crimes (PIFWCs) has eroded the credibility of SFOR in the eyes of the public as well as the criminals and corrupt political elements. Leaders in civilian implementation have also pointed out that their ability to negotiate and leverage reform is tied to SFOR's credibility, and that their authority is suffering, too. Furthermore, despite the increased posture against PIFWC's, there are many indications that such people continue to exercise significant political influence and control behind the scenes. Therefore, the

¹²⁷ Senate Hearing 104-855, 40.

¹²⁸ USGAO Testimony, 4.

authors conclude, "we could more easily dismantle the old anti-Dayton power structures, empower the new democratic institutions, and build a more sustainable peace if the most notorious PIFWCs were to be apprehended."¹²⁹

2. Targeting Crime and Corruption

In addition to arresting people accused of war crimes, the military can also make a substantial contribution to breaking the connection between organized crime and corrupt politicians. This alliance possesses significant power in Bosnian politics and, among other things, actively prevents the establishment of institutions supporting the rule of law. It is able to do this because at present, corrupt, nationalist politicians, who get funding in part from organized crime, control the salaries and appointments of parliamentarians, judges, police and prosecutors. These leaders have also been guilty of threatening those who would enforce the law against their interests.¹³⁰

SFOR can do several things to minimize such problems. It can continue to threaten to act in support of civilian organizations like the IPTF, which are also involved in combating crime and corruption. It also ought to maintain or even increase its presence in places like courtrooms, polling stations, exhumations, IDP and refugee returns and evictions of illegal residents.¹³¹

But the most important additional contribution SFOR can make in this regard is to use its unique intelligence gathering and analyzing capabilities to support efforts to target

¹²⁹ *SFOR Lessons Learned*, 27.

¹³⁰ *Ibid.*, 5.

organized crime. The prime example of this is Operation WESTAR, a series of operations that attacked illicit intelligence and criminal activity in Stolac, a town in the Croat-controlled portion of Bosnia.¹³²

The operations were conducted over the course of several months, ending in October, 1999. They were closely coordinated with civilian organizations such as the IPTF, entity police forces and the Office of the High Representative, which passed laws strengthening the prosecutor's office and established a new court to take the fullest advantage of SFOR's assistance. The operations targeted the Renner Transportation Company, known to be a cover for transnational criminal activity and a source of violent resistance to Muslim resettlements in Stolac. A subsequent operation also targeted illicit Croat intelligence activity in West Mostar and uncovered evidence of covert intelligence operations against the international community.¹³³

Not only would an expansion of these activities in conjunction with civilian authorities help create a more democratically-minded political elite, but it could also have a secondary advantage. One objection to using SFOR to arrest PIFWCs is that apprehending popular leaders could create a hostile environment. Publicizing information about criminal activities these leaders were engaged in, such as misappropriating international funds, could mitigate any popular backlash.¹³⁴

¹³¹ Ibid., 7 and 35.

¹³² Ibid., 31.

¹³³ Ibid., 32.

¹³⁴ Ibid., 19.

A US Army captain who deployed to Bosnia for two six-month tours as a Joint Commission Observer, recalled that the local reaction had been very positive in one instance where an indicted war criminal had been arrested by SFOR. “They were like, good; he was a psycho; I’m glad you caught him.”¹³⁵ The case was unusual, because the individual involved had a very negative reputation in his own community, but it nevertheless suggests a solution to the problem of increased force protection risks caused by arresting war criminals.

The authors of *SFOR Lessons Learned* do acknowledge that such activities may resemble police work more than they do traditional military operations, and, for that matter, police work that militaries in democratic countries are prohibited from becoming involved in. But in Bosnia there is currently no alternative, and creating an alternative in the form of a professional police force dedicated to upholding democratic standards requires the removal of corrupt, nationalist politicians. Furthermore, the work of targeting corruption and criminal activity in Bosnia’s elites would be done in the context of a finite mission directed at shaping the environment to support the development of rule of law.

The aim is to marginalize and neutralize a relatively small number of hard-line leaders in order to open the political space for moderate political leaders and empower those aspiring to the openness and accountability of the rule of law. Once this is accomplished, the environment should be

¹³⁵ Patrick Roberson, Captain, USA, Naval Postgraduate School, interview by the author, 23 October, 2000.

propitious for local public security officials to take responsibility for developing the rule of law.¹³⁶

This creation of space for the emergence of moderate, democratic leaders, of course, was precisely the result that was achieved through discrediting of nationalist elites in Germany and Japan after World War II.¹³⁷

B. INFLUENCING THE MASSES

But important as they are, elites are not likely to be able to govern effectively as democrats unless the masses embrace democracy. "This is why democratic civil society leaders in so many emerging democracies have placed such a high priority on civic education and mobilization efforts that seek to inculcate democratic values, knowledge and habits at the mass level."¹³⁸ And the best way to do this, according to Diamond, is through practice: "There is no better way of developing the values, skills, and commitments of democratic citizenship than through direct experience with democracy, no matter how imperfect it may be."¹³⁹

The values, skills and commitments that must be developed include, as discussed in Chapter II, participatory citizenship, tolerance, trust and willingness to compromise, among others. There are two avenues open to SFOR whereby the military could help

¹³⁶ Ibid., 21.

¹³⁷ Crocker, Hampson and Aall, 583. Promoting respect for the rule of law also means demonstrating respect for the rule of law, and this is where the obligation on the part of all troops to conduct themselves accordingly comes in. Captain Roberson commented that the Russian peacekeepers participating in SFOR had a parking lot full of Mercedes and BMWs they had gotten from car thieves and were going to take back to Russia (Roberson). This hardly provides local citizens with an example of commitment to legal principles.

¹³⁸ Diamond, *Developing Democracy*, 174.

support this. One is more formal, and entails the conscious use of civil affairs and civic action programs to provide opportunities for democratic action. The second involves recognizing that the thousands of democratic citizens serving in SFOR right now can play a valuable role in teaching “intangible lessons” of democratic citizenship simply through interacting with the local populace.¹⁴⁰

SFOR already possesses a considerable capacity for reconstructing and repairing infrastructure, and although a nation-building role was explicitly rejected in Bosnia, both IFOR and SFOR did rebuild such things as roads, transportation systems and public utilities that have benefited not only the military, but also international civilian organizations and the local people. The military often coordinated these projects with civilian organizations participating in the implementation effort. However, now that most infrastructure needs of the military and civilian organizations have been met, SFOR engineers and civil affairs personnel could continue doing similar projects but this time in conjunction with local governments as part of a consistent, overall strategy designed to enhance democratization.

The benefits of such a program would be considerable. First, civic action of this sort would strengthen local governments and enhance their legitimacy by giving them an opportunity to prove their usefulness. Second, if a community could apply for assistance based on prioritized needs arrived at in a public forum, this would encourage a town or village to establish and utilize mechanisms for democratic governance, such as town

¹³⁹ Ibid., 162.

meetings. Forums designed to elicit citizen input would, in turn, reinforce in the minds of the citizens the norms of democratic conduct built around compromise and consensus. Such projects could potentially also have a positive impact on reconciliation by offering opportunities for reintegrating society.

Landrum Bolling, senior adviser to Mercy Corps International, recommended to NGOs that they include locals in some sort of advisory committee to consult on projects for similar reasons. These committees would have very practical benefits, such as providing ideas and feedback, warning of potential problems or repercussions and serving as a communications link to the community. Also, in and of itself, such a committee could have a positive influence on the community. "Working together in that kind of relationship can be a far more effective lesson in democracy and civil society responsibility than many lectures and seminars."¹⁴¹

But opportunities for SFOR to promote democracy also exist through less formal structures. One way would be by allowing troops serving in Bosnia to become involved in community service. Chaplains could organize these activities, which could range from short-term projects such as repainting a school or planning a day when the community and the military got together to clean up litter along a river bank, to long-term investments in the local community, such as running an intramural sports program for area high school students or teaching English at an adult night school. These are all types of services the military encourages its members to perform in their own communities, and

¹⁴⁰ Colonel Steve Bucci, USA, Defense Attache Officer, Sarajevo, during a meeting on January 9, 2001 at the American Embassy in Sarajevo with Colonel Tomasovic that the author attended.

by continuing that tradition of volunteerism in Bosnian communities, soldiers would be exemplifying participatory citizenship, democratic leadership and a functioning civil society.

The interaction does not even need to be this organized to be effective. A Special Forces colonel now working as the Defense Attache Officer (DAO) at the US Embassy in Sarajevo suggested that by "lifting the siege" and allowing off-duty troops to go into town for food, relaxation and shopping, they could very well play a positive role in transmitting democratic values (in addition to providing troops with some relief from the boredom of being stuck on a military installation for six months).

Bosnia is not a primitive culture that cannot understand modern concepts about governance and democracy. But they must be articulated by someone other than the "the suits" from the International Community who are seen as having a vested interest in the process. Who better to represent the benefits of democracy and market economy than the young men and women in the US military?¹⁴²

Although the threat to force protection would increase, SFOR soldiers from other countries currently do this without incident. And in the past, the United States has also chosen to abandon a policy of preventing its soldiers from mingling with locals in favor of policies that allow intermixing. Stanley Sandler, in a history of US Army tactical civil affairs and military government, writes that although it was the "American soldier's fondness for German women" that forced the switch from a policy of non-fraternization

¹⁴¹ Riskin, 33-4.

¹⁴² Steve Bucci, "Re: Thesis Work." E-mail to the author, 3 February 2001.

to complete fraternization, the new policy had practical benefits for de-nazification as well.

Mindful of the legacy of the Hitler Youth and worried about juvenile delinquency, the Office of Military Government of the United States for Germany (OMGUS) required all subordinate commands down to the company level to implement the German youth Activities (GYA) program. By the summer of 1946, fully 25 percent of German youth were involved in the program, and Sandler says "there were very few proven instances of German youngsters committing Nazi-inspired acts."¹⁴³

The combination of these two approaches, encouraging troops to volunteer in the communities and allowing them to interact informally with locals, could also have a positive impact on the problem of widespread emigration among Bosnian youths. This exodus is troubling for several reasons. First, it signals a lack of confidence in the government to provide a better future. Second, it is indicative of a lack of confidence on the part of individuals in their own ability to make a difference. Finally, the large-scale emigration of educated young people bodes poorly for the ability of Bosnia to recruit qualified individuals for work in government and businesses in their home country.

Tinjcic, the Bosnian analyst at the World Bank, commented that reaching out to local youth should be a top priority for the international community. "The IC should also systematically seek for partnerships with local intellectuals and young people and contribute to making a better and more positive climate which would result in less young

¹⁴³ Stanley Sandler, *Glad to See Them Come and Sorry to See Them Go: A History of U.S. Army Tactical Civil Affairs/Military Government, 1775-1991* (U.S. Army Special Operations Command History and Archives Division), 258-60.

people leaving the country. This trend has been totally discouraging over the last couple of years.”¹⁴⁴ SFOR, being composed primarily of young people, may be particularly well positioned to do this.

C. ENHANCING LEGITIMACY THROUGH MILITARY REFORM

An added benefit of providing people at the grass-roots level with examples of democratic citizenship in action is that this is one of the ways to enhance the legitimacy of democracy. But legitimacy, as explained in Chapter II, is also a product of regime performance in areas like the economy, its ability to maintain order, to effect social and political reform and the degree of respect for human rights paid by the judicial system, the police and the military. A foreign military presence can make positive contributions to strengthen legitimacy through its interactions with these institutions, too.

In this arena, police performance is normally the most critical, because the police are the representatives of government authority citizens are most likely to encounter on a regular basis.¹⁴⁵ In Bosnia, because of the presence of the IPTF, mentoring and building legitimacy for local police may only tangentially be a military function, although in providing back-up and logistics support to the IPTF, SFOR contributes indirectly to the eventual success of this mission.

In Bosnia, however, the relationship between the Bosnian people and their armed forces may be as important as the relationship between the people and the police for two reasons. First, Bosnia is also in the middle of a transition from a Communist system,

²⁶ Tinjic e-mail.

under which the Yugoslav National Army, like the Interior Police (MUP) and the local police, was oriented toward regime survival. The armed forces, therefore, were never viewed as a force for good in the country; they were always seen as an instrument of oppression. Even more importantly, though, Bosnia is dealing with the aftermath of a very brutal civil war. The people need to have confidence that peace will continue even without the presence of SFOR.

Unfortunately this is not the case at the moment, because far from being a source of stability, the entity armed forces continue to be a cause for concern. According to a United States Institute for Peace Special Report on Bosnia,

The security environment in Bosnia today is artificially stable, because of the international military presence.... Each of the three ethnic groups in Bosnia continues to maintain an army, which creates risks of renewed war as well as obstacles to self-sustaining peace. These armies remain postured against one another. All three forces maintain active intelligence gathering and order-of-battle doctrines to fight against one another.¹⁴⁶

The establishment of the OIG and the Standing Committee on Military Matters (SCMM), educational opportunities made available to senior officers, and SFOR's involvement in issues of EAF restructuring are all ways SFOR is seeking to promote the development of a professional, democratic military in Bosnia. But in this realm as well, more could be done. Ultimately, "the citizens of Bosnia and Herzegovina must be able to have confidence in the personal integrity, constitutional loyalty and military competence

¹⁴⁵ Diamond, *Developing Democracy*, 94.

¹⁴⁶ Western and Serwer, 7.

of EAF [Entity Armed Forces] officers in general and specifically, the General Officer Corps.”¹⁴⁷

Thus far, much of SFOR’s work has targeted senior officers, who like, their counterparts in the civilian world, frequently have the least incentive to embrace reform. Brigadier General Bargewell, SFOR ACOSOPS, suggested that focusing on mid-grade officers who are willing to change in order to join the EU would be more effective.¹⁴⁸ One way to do this would be by providing the EAF with joint training and exercise opportunities.

Joint training and exercises conducted with SFOR troops could help EAF build the capacity for humanitarian and emergency relief missions, and reorient them from defending one ethnic group against the others to being a “force for good” in Bosnian society as a whole. Engaging them in civic action projects would improve their legitimacy in the eyes of the public, especially if SFOR could encourage them to cross ethnic boundary lines to do so. For example, the Oregon National Guard colonel told a story of one of the Multi-National Division North (MND(N)) Joint Military Commission Chiefs who arranged to have some sandbags, donated by SFOR, transported by a Bosniac

¹⁴⁷ Robert Tomasovic, Colonel, USANG, “Entities Armed Forces in A Democratic Society: Ethics, Development and Cooperation,” Change 18/1 to the Instructions to the Parties Chapter 14, Version 15, August 2000.

¹⁴⁸ Tomasovic, “Trip Report to Bosnia 6 Jan-12 Jan 01,” for the Center for Civil-Military Relations, and comments made by Brigadier General Bargewell, SFOR ACOSOPS, during an 08 January 2001 meeting between the General and Colonel Tomasovic that the author attended.

corps commander to a Croat division commander in a region that was threatened by flooding.¹⁴⁹

The plans for Joint Task Force Haiti, which had the similar objective of creating an army “respected for its ability to serve and protect Haitian society instead of one feared for its ability to terrorize that society at gunpoint” out of the Forces Armées d’Haiti (FAD’H), offer an example of how a coordinated campaign to professionalize the Bosnian EAFs might be carried out.¹⁵⁰

The training for the FAD’H would have included an intensive program in areas like coastal and frontier security, disaster relief and search-and-rescue operations. It would also have focused on areas like physical fitness, military appearance and deportment and the role of a soldier in a democracy. Acting with Special Forces A Teams, the FAD’H also would have “coordinated and executed small-scale humanitarian and civic-action projects.”¹⁵¹

The logic behind the mission was that by convincing the FAD’H they would benefit from professionalizing, the FAD’H itself would become committed to professionalizing.

Working and training side by side with professional role models of discipline, integrity, competence, toughness and dedication to duty, the Haitian soldiers could have learned to take pride in these virtues and to build their self-respect and public image upon them. Once the FAD’H had

¹⁴⁹ Tomasovic, interview with the author, 20 February 2001.

¹⁵⁰ Stephen M. Epstein, Robert S. Cronin and James G. Pulley, “JTF Haiti: A United Nations Foreign Internal Defense Mission.” *Special Warfare* vol. 7, no. 3, July 1994, 4.

¹⁵¹ *Ibid.*, 3.

become interested in professionalizing itself, follow-on military training missions could have completed the task.¹⁵²

In the long-term, however, using military advisors may be one of the best ways to instill meaningful reforms at all levels of service. According to the colonel now serving as the Naval Postgraduate School SO/LIC chair, who was a military advisor from 1990-91 in El Salvador, as long as the United States government is willing to take a long-term approach to solving the problem, military advisers can be a very effective catalyst for change.

Frequently, advising includes helping the host nation's armed forces to internalize the principles of democratic, professional military service. The colonel describes this as a four-part process involving: setting the example; explaining why one chooses to do things that way; how this will benefit the host nation military as an institution; and finally, making sure that the same message is being transmitted at every level. "Whatever values are reinforced at the top are the ones that remain when you leave," he said.¹⁵³

Being in a position to influence things like the behavior of troops on a daily basis, and understanding how that behavior affects the legitimacy of the government and military, is a unique ability properly trained military advisors bring to the table. "When you're on the ground living with the people you look at all aspects of a particular

¹⁵² Ibid., 4.

¹⁵³ Andrade, interview.

operation or challenge ... since we're living there we'll look at the economic, social, political and cultural aspects of doing something."¹⁵⁴

To be effective, however, any program of democratization and professionalization must be geared toward both the Federation and the Bosnian Serb Republic. Eventually, the international community hopes to create a single state of two entities and three peoples in Bosnia and Herzegovina. Currently, however, because the Bosnian Serb Republic is not cooperating fully with the Hague Tribunal, the Bosnian Serb Republic is not being fully engaged. The Lautenberg Amendment that has been included in H.R. 4811, the "Foreign Operations, Export Financing and Related Programs Appropriations Act" since 1997 even mandates that reconstruction aid, with the exception of funding for humanitarian aid, democratization and certain cross border projects, not be given to municipalities that do not cooperate with the ICTY.¹⁵⁵

This thesis is not proposing that the international community not bring war criminals to justice, or that aid conditionality is not a legitimate technique for gaining cooperation.¹⁵⁶ But when it comes to professionalizing the armed forces, initiating military projects to strengthen civil society and to communicate democratic values, there

¹⁵⁴ Ibid.

¹⁵⁵ Riskin, 16 and "Holding War Criminals Accountable: The ICTY." Available [Online]: <<http://www.house.gov/csce/warcrimes99hearingstmts.htm>. [20 February 2001], 8. The amendment also prohibits money from going to indicted war criminals or to projects they are known to benefit from (Ibid.).

¹⁵⁶ Whether it is an effective technique is another question. Susan Woodward explains, "The distribution of aid as a reward or incentive to cooperation delays the economic transition in those very areas that are most intransigent by keeping their populations impoverished and isolated. This reinforces the regional economic inequalities that were one of the main causes of the war, and it runs counter to the peacebuilders' assumption that economic improvement will benefit moderates and promote peace" (Riskin, 8).

is nothing to be gained by not also working with the Bosnian Serb Republic. This means that if SFOR expands training and education opportunities for the entity armed forces and becomes involved in community projects, it should invite the Bosnian Serbs to participate as well. "The only way for Bosnia to achieve peaceful unification is to encourage each entity's simultaneous development."¹⁵⁷

D. FORCE PROTECTION

There is another benefit to all these measures, in addition to their usefulness in stabilization. They would all enhance force protection as well. The current American approach to force protection seems to be limited to reacting to the environment: Because of the perceived risks, American troops in Bosnia travel in four-vehicle convoys, they wear body armor, and they are not allowed to go into town. An alternative approach would be to shape the environment with respect to force protection, which would mean creating an atmosphere of stability, security and lawfulness rather than lawlessness.

Seen from this perspective, arresting PIFWC's, supporting the fight against organized crime and corruption and participating in civic action programs may increase the short-term risk to troops, but reduces the risk in the long-term. General John Sheehan, in a speech to the 1996 Aspen Institute Conference on conflict prevention, explained that in a pre-conflict scenario, protecting institutions and ideas such as a justice

¹⁵⁷ Riskin, 21.

system and human rights *is* force protection, because it “protect[s] the forces of good that keep you from having to use me, and my forces, as a solution.”¹⁵⁸

In a post-conflict scenario, such as Bosnia, force protection can also mean *strengthening* these “forces of good” by pursuing a strategy designed to enhance a country’s commitment to democracy and law and order. Furthermore, those same civil affairs and civic action projects and interactions with the locals that can help mold democratic values in the name of mission accomplishment can also generate a more friendly attitude toward SFOR troops in the communities which reap the benefits of such initiatives.

Colonel Mark Boyatt, the Army Special Operations Task Force Commander and Third Special Forces Group Commander during Operation Uphold Democracy, said that repairing and providing fuel for generators in Haiti was an example of a project that had positive consequences for force protection on two levels. As a traditional measure, working generators allowed American troops to better protect themselves by giving them light at night. But because the electricity was also available to the townspeople, this project also served as a “very visible demonstration of what we could do” that in turn made the Special Forces A Teams a more welcome presence throughout Haiti.¹⁵⁹

By contrast, the current American approach to routine patrols in Bosnia is an example of an activity that has negative consequences for force protection. Instead of

¹⁵⁸ *Conflict Prevention: Strategies to Sustain Peace in the Post-Cold War World*. Report of the Aspen Institute Peace Conference, July 30-August 3, 1996 (Washington, DC: The Aspen Institute, 1997), 101.

¹⁵⁹ Mark Boyatt. “Unconventional Operations.” Videotaped presentation given at Fort Bragg.

communicating confidence in the security environment, American patrols send precisely the opposite message to the public:

When executing a rapid reaction mission in response to a reported "incident," or action as a deterrent when such an incident is anticipated, full combat gear and focus is appropriate. For routine patrolling today, it is not. The effect of a squad of up-armored HUMMVs, with locked and loaded M2 50 cal MGs, and loaded-for-bear GIs just hanging around a village or road intersection is a chilling one.¹⁶⁰

Rather than giving locals a sense of security in which they can now be expected to go about their daily lives and begin the process of reconciliation, this image suggests that the current absence of violence is tenuous at best. The American JCO in Bosnia confirmed this, explaining that, "Americans especially turn everybody off.... They'll roll into a town or village and point their guns at everybody, which does not give people a warm and fuzzy."¹⁶¹ New units are particularly troublesome, he added, until two or three months into their six-month deployment cycle the tension level ratchets down and they realize no one is likely to hurt them.¹⁶²

There are several other potentially damaging side effects to this practice as well, though. One is the dilemma of trying to encourage the adoption of non-violent conflict resolution techniques by using military units that are clearly anticipating violence. As the SO/LIC chair put it, there is an inherent contradiction in showing up in flak jackets, ready

¹⁶⁰ Bucci, e-mail.

¹⁶¹ Roberson, interview.

¹⁶² Ibid.

to use force, "when you're supposed to be interacting with people and teaching them not to fight each other."¹⁶³ The American DAO in Sarajevo also speculated that, with time, an intervening force that maintained such an incongruous profile could end up being viewed as an occupation force.¹⁶⁴

The authors of the *SFOR Lessons Learned* drew a different conclusion entirely: "...Some mistakenly perceived the US Forces' mandatory protective gear and multiple vehicle convoys to mean that US Forces were "more afraid" of the locals. This adversely affected how the local community viewed the US Force's strength and ability to protect the public."¹⁶⁵

In any event, the message being received is not one of peace and security.

To correct this impression, the DAO recommends lowering the combat profile of routine patrols and increasing civil affairs, humanitarian activities, and JCO presence.¹⁶⁶ The JCOs live on the economy in strategic villages and patrol wide areas in civilian Sport Utility Vehicles, although the SUVs are identified as belonging to SFOR. They are exempt from the four-vehicle convoy rule, and do not wear Kevlar. Instead, they dress in

¹⁶³ Andrade, interview.

¹⁶⁴ Bucci, e-mail.

¹⁶⁵ *SFOR Lessons Learned*, 12.

¹⁶⁶ Bucci, e-mail. Colonel Bucci strongly supports expanding the JCO mission. He would, in fact, put 8-10 JCO units in each sector rather than the current 4-6, support them with civil affairs and Psyops, and draw down the multi-national divisions to a brigade plus. The MND could then adopt a lower key patrolling profile backed up with a strong rapid reaction force. Bucci would also double the number of MSU units from 10 to 20. Unfortunately, he noted that the Special Operations Forces (SOF) community has successfully argued that the JCO mission is not a doctrinal mission under NATO SOF doctrine, and intends to pull out all such forces in the next few months (Bucci e-mail).

BDUs and carry side arms under their uniform shirts¹⁶⁷. “They talk with the local leaders, merchants and ‘men in the streets,’ not as interrogators, but as interested monitors. They act as conduits of information and as sounding boards for ideas.”¹⁶⁸

With Special Forces A-Teams filling these rolls, they are also the ideal people to send out in the community to “get to know people, have political discussions, and teach informal lessons about democracy,” the DAO said.¹⁶⁹ Adopting this approach would normalize the security environment—thereby enhancing force protection—and simultaneously expand the opportunities for SFOR to serve as a role model for democratic citizenship, once again providing concrete support to the long-term goal of democratization.

¹⁶⁷ Roberson, interview and Bucci, e-mail.

¹⁶⁸ Bucci, e-mail.

¹⁶⁹ Ibid.

V. CONCLUSION

This thesis demonstrates how SFOR can more effectively support democratization in Bosnia. Chapter II described the desired end-state in terms of the theoretical elements needed for a consolidated democracy. Joulwan and Shoemaker's analysis of the conflict suppression process and Carothers' portrayal of the democratization process provided useful frameworks within which to understand the international community's intervention in Bosnia. But the more important lessons to take away were from Diamond, Linz, Stepan and Huntington.

It was these authors who explained what needs to be present in Bosnian society in order for a self-sustaining, democratic peace to be achieved. Between them, they listed eight requirements: free and fair elections, an autonomous political society, a lively civil society, respect for the rule of law, an economic society, a usable bureaucracy, a political culture supportive of democracy and a belief in the legitimacy of democracy.

The purpose of Chapter III was to examine how and why the current situation in Bosnia falls short of the goal. It described the very real progress that the Bosnian people have made toward a multi-ethnic, democratic state with the help of all the different organizations participating in the implementation of the Dayton Peace Accords. But it also highlighted the work that remains to be done, and used Carothers' critique of the American democratization template to explain why some of these problems persist.

The conclusion of Chapter III was that the flaws inherent in the institutional model of democratization—a failure to anticipate the interests of elites in maintaining the

status quo and insufficient emphasis on fostering cultural attitudes needed to support democracy—remain significant factors in Bosnia. Moreover, because of the weak civilian implementation structure arrived at in Dayton, the only organization with the ability to adequately respond to these challenges is SFOR. And thus far, SFOR has declined to fill this void.

Consequently, those in power in Bosnia continue to obstruct genuine democratic reform in pursuit of their own interests. Neither has the citizenry internalized some essential democratic principles like trust, a participatory ethic and reciprocal relations between citizens and the government. Nor have government institutions such as the armed forces earned the confidence of the people they serve. Taken together, these and other lingering problems prevent the state from functioning in a way that would earn it legitimacy in the eyes of the public.

In short, despite the five years, billions of dollars and considerable manpower expended on behalf of Bosnia and Herzegovina, normalization is still a long way away. But the international community need not simply do more of the same in what would likely be an interminable and futile effort to impose democracy on Bosnia's quarreling ethnic factions. It can choose to pursue a more effective strategy of reform by learning from its experience. Chapter IV explains what SFOR could do in support of such a strategy. As the colonel in charge of the SO/LIC curriculum explained, "We've got a lot

of things we could do in DoD [Department of Defense] and lower, but someone needs to give the DoD permission."¹⁷⁰

Permission, or perhaps also the instruction. There are, in fact, many steps the military could take to support the democratization effort that would compensate for the shortcomings of the current approach. By pursuing war criminals, targeting criminal activity and maintaining its security presence, SFOR would be putting some muscle behind the international community's plea that Bosnia's politicians support democratization because it is the right thing to do.

By becoming engaged with the Bosnian community through civil affairs, civic action programs, volunteer work and plain person-to-person interactions, SFOR could make some much-needed contributions to the reconstruction and reconciliation effort, while also providing an example of democratic citizens in action. This would show people how to actively participate in democracy and what they can gain by doing so. Such a policy would also have positive consequences for SFOR, by shaping the environment with respect to force protection and strengthening the elements of society that decrease the risks to SFOR's troops.

Lastly, through training programs, joint exercises and military advising, SFOR can help the Bosnian armed forces become the type of military that deserves the trust and confidence of the people it serves. This would greatly enhance the legitimacy of the government and the military in the eyes of a population that currently has more reason to

¹⁷⁰ Andrade, interview.

fear its soldiers, and provide an example to the government and bureaucracy of an institution that is acting to serve the common good.

This strategy may look suspiciously like nation-building and should not be construed as the norm for military forces in every future intervention. But because of the circumstances of the GFAP, SFOR has a unique role to play in Bosnia. If the goal is to accomplish stabilization in Bosnia, this strategy has the advantage of being one that could actually succeed. The DAO in Sarajevo phrased the argument this way:

Right now, the military leaders of our nation (and much of our Congressional leadership) consider nation-building as anathema. This is short-sighted and wrong-headed. Now that stability is established, we need to shift gears and use one of the potentially most effective assets we have to bring about change in this country: the US military. Does it prepare us for the next war? The answer is debatable. Does it prevent the next war here, or the specter of an unending Korean-style presence here: Without a doubt.¹⁷¹

¹⁷¹ Bucci, e-mail.

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